

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
WASHINGTON, D.C. 20202-2741

**NEW**

**APPLICATIONS FOR GRANTS**

**UNDER THE**

**CENTERS FOR INDEPENDENT LIVING**

**PROGRAM**

**CFDA Number: 84.132A-3**



FORM APPROVED  
OMB No. 1820-0018, Through 8/2001  
ED FORM 424, 6/2001  
DATED MATERIAL - OPEN IMMEDIATELY  
Closing Date: July 31, 2000

## TABLE OF CONTENTS

<u>SUBJECT</u>	<u>SECTION</u>
Dear Applicant Letter.....	A
Notice Inviting Applications for New Awards .....	B
Application Transmittal Instructions.....	C
RSA Regional Office Roster	
Rules and Regulations: .....	D
34 CFR Parts 364 and 366	
Application Instructions and Forms for Federal Assistance .....	E
Part I : Federal Assistance Face Sheet (SF 424)	
Table of Contents - Abstract	
Part II : Program Narrative	
Part III: Budget Information	
Part IV : Assurances, Certifications, and Disclosures	
o Assurances-Non-Construction programs	
o Certification Regarding Lobbying; Debarment,	
Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements	
o Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower	
Tier Covered Transactions	
o Disclosure of Lobbying Activities	
Notice Regarding Executive Order 12372 and Listing of States	
Single Points of Contact .....	F
Important Notice to Prospective Participants	
USDE Contract and Grant Programs .....	G

## REHABILITATION SERVICES ADMINISTRATION

Dear Applicant:

The Secretary invites new grant applications for Fiscal Year (FY) 2000 under the Centers for Independent Living (centers) program, authorized by part C, Chapter 1 of Title VII (part C) of the Rehabilitation Act of 1973, as amended (Act). We are sending you an application package containing information necessary to apply for a FY 2000 grant.

The Secretary is authorized to make grants to eligible entities for planning, conducting, administering, and evaluating centers. Eligible entities are consumer controlled, community-based, cross-disability, nonresidential private nonprofit agencies, in or bordering on States in which the entities plan to establish centers. An entity presently operating a center supported by part C may apply in this competition to establish a satellite center in a different geographical area. A satellite center must meet all of the criteria of a center with the exception that it may share a governing board with the original center.

An application must contain information that: (1) satisfactorily demonstrates to the Rehabilitation Services Administration (RSA) that the applicant entity meets the standards described in section 725(b) of the Act; (2) contains the assurances described in section 725(c) of the Act; and (3) is consistent with the State plan for independent living in the State in which it plans to provide independent living services.

Part C funds were assigned to States and outlying areas based on a formula in Section 721(c) of the Act. Priorities for funding part C centers were established by section 722(e) of the Act. The first priority for the funds was to support existing part C centers at the prior year's level. If funds were available, these centers were assigned a cost-of-living increase. In every State or outlying area with funds remaining after supporting the first two priorities, RSA contacted the Statewide Independent Living Council (SILC) and the Designated State Unit (DSU) to obtain the SILC's and DSU's choice, consistent with the State's plan, for the use of remaining funds. The States had the option to either compete the remaining funds or distribute the remaining funds among existing part C centers. In each State where funds are available (i.e., North Carolina \$75,914), the SILC and DSU provided information on the priority areas in the State and outlying area, consistent with the State's plan, for the establishment of new centers. The top priority for the Statewide Independent Living Council and Designated State Units (DSUs) in North Carolina is Eastern North Carolina in FY 2000.

## Application Procedures

This package contains instructions and forms for preparing an application. Please review these materials carefully. Your application must comply with each requirement and be received by the Department by the application deadline date specified on the front cover.

Included with your application package is a "Notice to all Applicants," which requires information in your application regarding access to the proposed center for independent living for students, teachers, and other program beneficiaries with special needs. These provisions should be addressed in your application when addressing the requirements for access and outreach.

In the Application Transmittal Instructions, we request that you submit an original and four copies. Send four copies to the Application Control Center, Attention: CFDA 84.132A-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4725. Send the original application to the U.S. Department of Education, RSA, 61 Forsyth Street, S.W., Suite 18T91, Atlanta, GA 30302, Attention: CFDA 84.132A-3.

Regulations for this program are contained in 34 CFR Parts 364 and 366. The Secretary will evaluate each application for a new center under this program by using the selection criteria in 34 CFR 366.27. A copy of the regulations is included in this package (see section D).

Grants funded under this program are also subject to the requirements of the Education Department General Administrative Regulations, which set forth all general rules affecting application submittal, review, grant award, and post-award administration for Department of Education grant programs. These regulations were published in the FEDERAL REGISTER at 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85 and 86. In addition, the Department requires the applicant to provide a Disclosure of Lobbying Activities form, a Certification Regarding Lobbying Activities form and a Certification Regarding Lobbying for Grants and Cooperative Agreements.

A list of State single points of contact is included in this package in Section F. Applicants must contact the appropriate State single point of contact to find out about, and comply with, the State's process under Executive Order 12372.

Thank you for your interest in the centers program. If additional information is needed, please contact me at (202) 205-8292.

Sincerely,

Thomas E. Finch, Ph.D.  
Director, Special Projects Division

SECTION B  
Notice Inviting Applications for New Awards

4000-01-U

DEPARTMENT OF EDUCATION

(CFDA No.: 84.132A-3)

Centers for Independent Living

Notice inviting applications for new awards for fiscal year  
(FY) 2000.

PURPOSE OF PROGRAM: This program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of the Rehabilitation Act of 1973, as amended (Act), consistent with the State plan for establishing a statewide network of centers. Centers are consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that are designed and operated within local communities by individuals with disabilities and provide an array of independent living (IL) services.

ELIGIBLE APPLICANTS: To be eligible to apply, an applicant must-- (a) be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency as defined in 34 CFR 364.4(b); (b) have the power and authority to meet the requirements in 34 CFR 366.2(a)(1); (c) be able to plan, conduct, administer, and evaluate a center for independent living consistent with the requirements of section 725(b) and (c) of the Act and Subparts F and G of 34 CFR part 366; and (d) either-- (1) not currently be receiving funds

under Part C of Chapter 1 of Title VII of the Act; or (2)  
propose the expansion of an existing

center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) in a different geographical location. Eligibility under this competition is limited to entities that meet the requirements of 34 CFR 366.24 and propose to serve areas that are unserved or underserved in the States of North Carolina.

SUPPLEMENTARY INFORMATION: These funds became available to other applicants because the Board of Directors of an existing center for independent living serving eastern North Carolina notified the Rehabilitation Services Administration that it wished to terminate its existing grant. Consistent with the North Carolina State Plan for Independent Living, there is a commitment to establish a center for independent living to serve the eastern portion of the State.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: July 31, 2000

DEADLINE FOR INTERGOVERNMENTAL REVIEW: September 29, 2000

APPLICATIONS AVAILABLE: June 15, 2000

AVAILABLE FUNDS: \$75,914

ESTIMATED NUMBER OF AWARDS: 1

NOTE: The Department is not bound by any estimates in this notice.

PROJECT PERIOD: Up to 60 months.

APPLICABLE REGULATIONS: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77,

79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 364 and 366.

FOR APPLICATIONS AND FURTHER INFORMATION CONTACT: Thomas E.

Finch, U.S. Department of Education, 400 Maryland Avenue, SW.,  
room 3038, Switzer Building, Washington, DC 20002-2741. If  
you

use a telecommunications device for the deaf (TDD), you may  
call the Federal Information Relay Service (FIRS) at 1-800-  
877-8339.

Individuals with disabilities may obtain this document in  
alternate format (e.g., Braille, large print, audio-tape, or  
computer diskette) on request to the contact person listed in  
the preceding paragraph.

Individuals with disabilities may obtain a copy of the  
application package in an alternate format by contacting the  
Grants and Contracts Services Team, U.S. Department of  
Education, 400 Maryland Avenue, SW., room 3317, Switzer  
Building, Washington, DC 20202-2550. Telephone: (202) 205-  
8351. If you use a telecommunications device for the deaf  
(TDD), you may call the Federal Information Relay Service  
(FIRS) at 1-800-877-8339. However, the Department is not able  
to reproduce in an alternate format the standard forms  
included in the application package.

Electronic Access to This Document:

You may view this document, as well as all other Department of Education documents published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the PDF you must have the Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

<http://www.access.gpo.gov/nara/index.html>

PROGRAM AUTHORITY: 29 U.S.C. 796f, 796f-1, 796f-4, and 796f-5.

Dated: June 9, 2000.

---

Judith E. Heumann,  
Assistant Secretary for  
Special Education and  
Rehabilitative Services.

SECTION C  
APPLICATION TRANSMITTAL INSTRUCTIONS

## **APPLICATION TRANSMITTAL INSTRUCTIONS**

An application for an award must be postmarked or hand delivered by the closing date as stated in this application.

### **Application Delivered by Mail**

Please send four copies to the Application Control Center, Attention: CFDA 84.132A-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4725. Send one original application to the U.S. Department of Education, Rehabilitation Services Administration (RSA), (Appropriate RSA Regional Office), CFDA 84.132A-3, (Appropriate Regional Address).

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that the application will not be considered.

### **Applications Delivered by Hand/Courier Service**

An application that is hand delivered must be taken to the U.S. Department of Education, Applicant Control Center. In order for an application sent through a courier service to be considered timely, the courier service must have delivered the application to the application control center on or before the closing date.

### **Acknowledgement of Grant Application Receipt**

The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the closing date, the applicant should contact the appropriate U.S. Department of Education, RSA Regional Contact person listed in attachment B. A roster of names and addresses of RSA Central and Regional Office Staff involved with the program is included in this package.

The applicant must indicate on the envelope, and in item 10 of the Application for Federal Assistance - standard form 424 (unless preprinted on the form by the Department), the CFDA number and suffix letter of the competition under which the application is being submitted -- 84.132A-3.

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
REHABILITATION SERVICES ADMINISTRATION  
REGIONAL OFFICE DIRECTORY**

**REGION I**

Mr. John J. Szufnarowski  
RSA Regional Commissioner  
01-0041  
Dept. of Education, OSERS  
J.W. McCormack Post Office  
and Court House, Rm. 232  
Boston, MA 02109  
VOICE: 617-223-4090  
FAX: 617-223-4573  
TDD: 617-223-4097  
RSA BBS USER-ID: RSARCI  
e-mail: john\_szufnarowski@ed.gov  
-- Connecticut  
-- Maine  
-- New Hampshire  
-- Rhode Island  
-- Vermont  
-- Massachusetts

Hours: 8:00 - 4:30  
EDST: 8:00 - 4:30

**REGION II**

Mr. John J. Szufnarowski  
RSA Regional Commissioner  
02-1050  
Dept. of Education, OSERS  
75 Park Place, Room 1208  
New York, New York 10007  
VOICE: 212-264-4016  
FAX: 212-264-3029  
TDD: 212-264-4028  
RSA BBS USER-ID: RSARCII  
e-mail: john\_szufnarowski@ed.gov  
-- New Jersey  
-- Puerto Rico  
-- Virgin Island  
-- New York

Hours: 8:00 - 4:30  
EDST: 8:00 - 4:30

**REGION III**

Dr. Ralph N. Pacinelli  
RSA Regional Commissioner  
03-2050  
Dept. of Education, OSERS  
3535 Market St., Rm 16120  
Philadelphia, PA 19104  
VOICE: 215-656-8531  
FAX: 215-656-6188  
TDD: 215-656-6186  
RSA BBS USER-ID: RSARCIII  
e-mail: ralph\_pacinelli@ed.gov  
-- District of Columbia  
-- Delaware  
-- Maryland  
-- Virginia  
-- West Virginia  
-- Pennsylvania

Hours: 8:30 - 5:00  
EDST: 8:30 - 5:00

**REGION IV**

Dr. Ralph N. Pacinelli  
RSA Regional Commissioner  
04-3050  
Dept. of Education, OSERS  
61 Forsyth St., SW  
Suite 18T91  
Atlanta, GA 30302  
VOICE: 404-562-6330  
FAX: 404-562-6346  
TDD: 404-562-6347  
RSA BBS USER-ID: RSARCIV  
e-mail: ralph\_pacinelli@ed.gov  
-- Alabama  
-- Florida  
-- Kentucky  
-- N. Carolina  
-- S. Carolina  
-- Tennessee  
-- Georgia  
-- Mississippi

Hours: 8:00 - 5:00  
EDST: 8:00 - 5:00



## REGION V

Dr. Douglas Burleigh  
RSA Regional Commissioner  
05-4050  
Dept. of Education, OSERS  
111 N. Canal, Room 1048  
Chicago, IL 60606  
VOICE: 312-886-8630  
FAX: 312-353-8623  
TDD:  
RSA BBS USER-ID: RSARCV  
e-mail: douglas\_burleigh@ed.gov  
-- Indiana  
-- Michigan  
-- Minnesota  
-- Ohio  
-- Wisconsin  
-- Illinois

Hours: 8:15 - 4:45  
EDST: 9:15 - 5:45

## REGION VI

Mr. Loerance Deaver  
RSA Regional Commissioner  
06-5050  
Dept. of Education, OSERS  
1999 Bryan St., Room 2740  
Dallas, TX 75201-6817  
VOICE: 214-880-4927  
FAX: 214-880-4931  
TDD: 214-880-4933  
RSA BB USER-ID: RSARCVI  
e-mail: loerance\_deaver@ed.gov  
-- Arkansas  
-- Louisiana  
-- New Mexico  
-- Oklahoma  
-- Texas

Hours: 8:00 - 4:30  
EDST: 9:00 - 5:30

## REGION VII

Dr. Douglas Burleigh  
RSA Regional Commissioner  
07-6050  
Dept. of Education, OSERS.  
10220 N. Executive Hills Blvd  
Kansas City, MO 64153-1367  
VOICE: 816-880-4107  
FAX: 816-891-0807  
TDD: 816-891-0985  
RSA BBS USER-ID: RSARCVII  
e-mail: douglas\_burleigh@ed.gov  
-- Iowa  
-- Kansas  
-- Nebraska  
-- Missouri

Hours: 8:00 - 4:30  
EDST: 9:15 - 5:45

## REGION VIII

Mr. Loerance Deaver  
RSA Regional Commissioner  
08-7050 Dept. of Ed.,  
Federal Office Bldg.  
Suite 310  
1244 Speer Boulevard  
Denver, Co 80204-3582  
VOICE: 303-844-2135  
FAX: 303-844-6269  
TDD: 303-844-6079  
e-mail: loerance\_deaver@ed.gov  
RSA BB USER-ID: RSARCVIII  
-- Montana  
-- N. Dakota  
-- S. Dakota  
-- Utah  
-- Wyoming  
-- Colorado

Hours: 7:30 - 4:00  
EDST: 9:30 - 6:00

REGION IX

Mr. Gilbert Williams  
RSA Regional Commissioner  
09-8050  
Dept. of Education, OSERS  
Federal Office Bldg., Room 215  
50 United Nations Plaza  
San Francisco, CA 94102  
VOICE: 415-556-4070  
FAX: 415-437-7848  
TDD: 415-437-7845  
RSA BBS USER-ID: RSARCIX  
e-mail: gilbert\_williams@ed.gov  
-- Arizona  
-- Hawaii  
-- Nevada  
-- Guam  
-- American Samoa  
-- California  
-- CNMI

EDST: 11:00 - 7:30

Hours: 8:00 - 4:30

REGION X

Mr. Gilbert Williams  
RSA Regional Commissioner  
10-9050  
Dept. of Education, OSERS  
915 Second Avenue, Room 2848  
Seattle, WA 98174-1099  
VOICE: 206-220-7840  
FAX: 9-1-206-220-7842  
TDD: 9-1-206-220-7849  
RSA BBS USER-ID: RSARCX  
e-mail: gilbert\_williams@ed.gov  
-- Alaska  
-- Idaho  
-- Oregon  
-- Washington

Hours: 8:00 - 4:30

EDST: 11:00 - 7:30

**CENTRAL OFFICE DIRECTORY**

John Nelson  
Branch Chief  
Independent Living Branch  
Special Projects Division  
Office of Developmental  
Programs, RSA  
330 C St., S.W.,  
Room 3326  
Washington, DC 20202-2741

VOICE: 202-205-9362  
FAX: 202-260-9424  
TDD: 202-205-8243  
RSA BBS USER ID: JNELSON  
E-MAIL: john\_nelson@ed.gov  
Hours: 8:00 - 4:30

Jackie Maddox  
CIL Program Specialist  
Independent Living Branch  
Special Projects Division  
Office of Developmental  
Programs, RSA  
330 C St., S.W.,  
Room 3316  
Washington, DC 20202-2741

VOICE: 202-401-3088  
FAX: 202-260-9424  
TDD: 202-205-8243  
E-MAIL: jackie\_maddox@ed.gov  
Hours: 9:00 - 5:30

## COMMON QUESTIONS AND ANSWERS

Potential applicants frequently direct questions to officials of the Rehabilitation Services Administration (RSA) regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants, RSA has assembled the following most commonly asked questions.

Q. CAN WE GET AN EXTENSION OF THE DEADLINE?

A. No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the FEDERAL REGISTER and apply to all applications. Waivers for individual applications cannot be granted, regardless of the circumstances.

Q. HOW MANY COPIES OF THE APPLICATION SHOULD I SUBMIT?

A. **An original and four copies are requested (4 copies to the application control center--1 original application to the RSA regional office).** In previous years, fewer copies were required. However, in an effort to make the review process more efficient and effective, RSA has started mailing applications to peer reviewers in advance of the date that the review panel convenes. While this has resulted in better and less costly reviews, it has imposed a significant burden on staff. In order to continue this successful practice, we find it necessary to increase the number of copies required of applicants.

Q. SHOULD THE APPLICATIONS BE BOUND?

A. Leave at least one copy of your application unbound to facilitate any necessary reproduction; use a binder clip or sturdy rubber bands to hold the application together. Applicants should not use foldouts, photographs, or other materials that are hard to duplicate.

Q. WILL YOU HELP US PREPARE OUR APPLICATION?

A. We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand that this previous contact is not required nor does it guarantee the success of an application.

Q. WHEN WILL I FIND OUT IF I'M GOING TO BE FUNDED?

A. You can expect to receive notification within 3 to 6 months from the application closing date, depending on the number of applications received and the number of competitions with closing dates at about the same time.

Q. ONCE MY APPLICATION HAS BEEN REVIEWED BY THE REVIEW PANEL, CAN YOU TELL ME THE OUTCOME?

A. No. Every year we are called by a number of applicants who have legitimate reasons for needing to know the outcome of the review prior to official notification. Some applicants need to make job decisions, some need to notify a State or local rehabilitation program, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the review with anyone.

Q. HOW LONG SHOULD AN APPLICATION BE?

A. The Department of Education is making a concerted effort to reduce the volume of paperwork associated with program applications. Consequently, **the Secretary strongly requests that applications be limited to:**

- (1) Application forms, budget, and other required forms;
- (2) A narrative body not to exceed 35 double-spaced pages; and
- (3) Necessary appendices.

Your application should provide enough information to allow the review panel to evaluate the significance of the project against the criteria of the competition. It is helpful to include in the appendices such information as:

- (1) Staff qualifications. These should be brief. They should include the person's title and role in the proposed project and contain only information relevant to the proposed project. Qualification of consultants and advisory council members should be provided and be similarly brief. Individual vita should not exceed 2 pages.
- (2) Summary of results of previous evaluations of program effectiveness.

Applicants must understand that applications may be rejected for including superfluous information as well as for not providing required information.

Q. HOW CAN I BE SURE THAT MY APPLICATION IS ASSIGNED TO THE CORRECT COMPETITION?

A. Applicants should clearly indicate in Block 10 of the face page of their application (Standard Form 424) the CFDA number and alpha suffix (e.g., 84.132A-3) and the title of the program priority of the competition in which the application should be considered. If this information is not provided, your application may inadvertently be assigned and reviewed under a different competition from the one you intended.

**Also, ensure that section 12 of Standard Form 424 clearly shows the State and geographic area in which the center is planned to serve. If a center is planning to serve a contiguous area in two States, a separate application must be submitted for each State.**

Q. WILL MY APPLICATION BE RETURNED IF I AM NOT FUNDED?

A. We no longer return original copies of unsuccessful applications. Thus, applicants should retain at least one copy of the application. Copies of reviewer comments will be mailed to applicants who are not successful.

Q. HOW SHOULD MY APPLICATION BE ORGANIZED?

A. The application narrative should be organized to follow the exact sequence of the components in the instructions addressing the selection criteria. A table of contents and a one-page abstract summarizing the project should precede the application narrative.

Q. IS TRAVEL ALLOWED UNDER THESE PROJECTS?

A. Travel is an allowable cost. However, all requests for travel will be reviewed diligently; the highest priority for travel will be given for travel directly related to the training or services being provided. As a general rule, travel is seldom approved for attending conferences, except for RSA sponsored conferences that project directors are requested to attend. Training for staff and governing board members will usually be approved for travel to training conducted by the RSA Training and Technical Assistance grantee and to the annual training conference sponsored by the National Council on Independent Living.

Q. MAY AN APPLICANT OBTAIN COPIES OF SUCCESSFUL, FUNDED APPLICATIONS?

A. Yes. An applicant may request copies of successful, funded applications. However, budget information, vitae, and other personal information will not be included.

Q. IS THERE A REQUIRED MATCHING OF FUNDS BY THE APPLICANT?

A. There is no required match in the part C program; however, a plan for development of resources from other than Title VII of the Act is required as part of a center's workplan.

Q. IF MY APPLICATION RECEIVES A HIGH SCORE FROM THE REVIEWERS, DOES THAT MEAN THAT I WILL RECEIVE FUNDING?

A. No. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of the applications and other relevant factors, determines the applications that can be funded.

Q. WHAT HAPPENS DURING NEGOTIATIONS?

A. During negotiations technical and budget issues may be raised. These are issues that have been identified during panel and staff review and require clarification. Sometimes issues are stated as "conditions." These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because there is inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all negotiation issues have been resolved. For this competition, RSA will negotiate 5-year budgets with the successful applicants.

Q. IF MY APPLICATION IS SUCCESSFUL CAN I ASSUME I WILL GET THE PROJECTED BUDGET AMOUNTS IN SUBSEQUENT YEARS?

A. Depending on the availability of funding, a successful applicant can expect at least the amount contained in the approved budget for each year of the project. By requesting detailed budget information in the initial application for the total project period, the need for formal noncompeting continuation applications in the remaining project years will be eliminated. An Annual Performance Report that will be required annually will be used to assess compliance with program standards and to determine eligibility for continued funding.

Q. HOW DO I PROVIDE AN ASSURANCE?

A. Simply state in writing that you are meeting, and intent to continue to meet, a prescribed requirement.

Q. WHERE CAN I OBTAIN COPIES OF THE FEDERAL REGISTER, PROGRAM REGULATIONS, AND FEDERAL STATUTES?

A. Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office (GPO) by writing to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9371. Telephone: (202) 783-3238. Internet users can gain free access the GPO databases with a World Wide Web browser through the Superintendent of Documents' home page at: [http://www.access.gpo.gov/su\\_docs/](http://www.access.gpo.gov/su_docs/) or with WAIS client software. Internet users can also telnet to [swais.access.gpo.gov](http://swais.access.gpo.gov) then login as guest. Dial-in users should use a modem to call 202-512-1661; type swais and then login as guest.

**SECTION D RULES AND  
REGULATIONS PART 364--STATE  
INDEPENDENT LIVING SERVICES PROGRAM  
AND CENTERS FOR INDEPENDENT LIVING  
PROGRAM: GENERAL PROVISIONS**

**Subpart A--General**

Sec.

- 364.1 What programs are covered?
- 364.2 What is the purpose of the programs authorized by Chapter 1 of Title VII?
- 364.3 What regulations apply?
- 364.4 What definitions apply?
- 364.5 What is program income and how may it be used?
- 364.6 What requirements apply to the obligation of Federal funds and program income?

**Subpart B--What Are the Application Requirements?**

- 364.10 What are the application requirements?
- 364.11 When must the State plan be submitted for approval?
- 364.12 How does the Secretary approve State plans?
- 364.13 Under what circumstances may funds be withheld, reduced, limited, or terminated?

**Subpart C--What Are the State Plan Requirements?**

- 364.20 What are the general requirements for a State plan?
- 364.21 What are the requirements for the statewide Independent Living Council (SILC)?
- 364.22 What is the State's responsibility for administration of the programs authorized by Chapter 1 of Title VII?
- 364.23 What are the staffing requirements?
- 364.24 What assurances are required for staff development?
- 364.25 What are the requirements for a statewide network of centers for independent living?
- 364.26 What are the requirements for cooperation, coordination, and working relationships?
- 364.27 What are the requirements for coordinating independent living (IL) services?
- 364.28 What requirements relate to IL services for older individuals who are blind?
- 364.29 What are the requirements for coordinating Federal and State sources of funding?
- 364.30 What notice must be given about the Client Assistance Program (CAP)?

- 364.31 What are the affirmative action requirements?
- 364.32 What are the requirements for outreach?
- 364.33 What is required to meet minority needs?
- 364.34 What are the fiscal and accounting requirements?
- 364.35 What records must be maintained?
- 364.36 What are the reporting requirements?
- 364.37 What access to records must be provided?
- 364.38 What methods of evaluation must the State plan include?
- 364.39 What requirements apply to the administration of grants under the Centers for Independent Living program?
- 364.40 Who is eligible to receive IL services?
- 364.41 What assurances must be included regarding eligibility?
- 364.42 What objectives and information must be included in the State plan?
- 364.43 What requirements apply to the provision of State IL services?

**Subpart D--What Conditions Must Be Met After an Award?**

- 364.50 What requirements apply to the processing of referrals and applications?
- 364.51 What requirements apply to determinations of eligibility or ineligibility?
- 364.52 What are the requirements for an IL plan?
- 364.53 What records must be maintained for the individual?
- 364.54 What are the durational limitations on IL services?
- 364.55 What standards shall service providers meet?
- 364.56 What are the special requirements pertaining to the protection, use, and release of personal information?
- 364.57 What functions and responsibilities may the State delegate?
- 364.58 What appeal procedures must be available to consumers?
- 364.59 May an individual's ability to pay be considered in determining his or her participation in the costs of IL services?

AUTHORITY: 29 U.S.C. 796-796f-5, unless otherwise noted.

**Subpart A--General**

- 364.1 What programs are covered?

(a) This part includes general requirements applicable to the conduct of the following programs authorized under Title VII of the Rehabilitation Act of 1973, as amended:

(1) The State Independent Living Services (SILS) program (34 CFR Part 365).

(2) The Centers for Independent Living (CIL) program (34 CFR Part 366).

(b) Some provisions in this part also are made specifically applicable to the Independent Living Services for Older Individuals Who Are Blind (OIB) program (34 CFR Part 367).

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

### 364.2 What is the purpose of the programs authorized by Chapter 1 of Title VII?

The purpose of the SILS and CIL programs authorized by Chapter 1 of Title VII of the Act is to promote a philosophy of independent living (IL), including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, to maximize the leadership, empowerment, independence, and productivity of individuals with significant disabilities, and to promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society by providing financial assistance to States--

(a) For providing, expanding, and improving the provision of IL services;

(b) To develop and support statewide networks of centers for independent living (centers); and

(c) For improving working relationships among--

(1) SILS programs;

(2) Centers;

(3) Statewide Independent Living Councils (SILCs) established under section 705 of the Act;

(4) State vocational rehabilitation (VR) programs receiving assistance under Title I and under Part C of Title VI of the Act;

(5) Client assistance programs (CAPs) receiving assistance under section 112 of the Act;

(6) Programs funded under other titles of the Act;

(7) Programs funded under other Federal laws; and

(8) Programs funded through non-Federal sources.

(Authority: 29 U.S.C. 796)

### 364.3 What regulations apply?

The following regulations apply to the SILS and CIL programs:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), with respect to grants or subgrants to an eligible agency that is not a State or local government or Indian tribal organization.

(2) 34 CFR Part 75 (Direct Grant Programs), with respect to grants under Subparts B and C of 34 CFR Part 366.

(3) 34 CFR Part 76 (State-Administered Programs), with respect to grants under 34 CFR Part 365 and Subpart D of 34 CFR Part 366.

(4) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(5) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(6) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), with respect to grants to an eligible agency that is a State or local government or Indian tribal organization.

(7) (7) 34 CFR Part 81 (General Education Provisions Act--Enforcement).

(8) 34 CFR Part 82 (New Restrictions on Lobbying).

(9) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(10) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this Part 364.

(c) The regulations in 34 CFR Parts 365 and 366 as applicable.

(Authority: 29 U.S.C. 711(c))

#### 364.4 What definitions apply?

(a) Definitions in EDGAR. The following terms used in this part and in 34 CFR Parts 365, 366, and 367 are defined in 34 CFR 77.1:

Applicant  
Application  
Award  
Department  
EDGAR  
Fiscal year  
Nonprofit  
Private  
Project  
Public  
Secretary

(b) Other definitions. The following definitions also apply to this part and to 34 CFR Parts 365, 366, and 367:

Act means the Rehabilitation Act of 1973, as amended.

Administrative support services mean assistance to support IL programs and the activities of centers and may include financial and technical assistance in planning, budget development, and evaluation of center activities, and support for financial management (including audits), personnel development, and record keeping activities.  
(Authority: 29 U.S.C. 796c(c)(2))

Advocacy means pleading an individual's cause or speaking or writing in support of an individual. To the extent permitted by State law or the rules of the agency before which an individual is appearing, a non-lawyer may engage in advocacy on behalf of another individual. Advocacy may--

- (1) Involve representing an individual--
  - (I) Before private entities or organizations, government agencies (whether State, local, or Federal), or in a court of law (whether State or Federal); or
  - (ii) In negotiations or mediation, in formal or informal administrative proceedings before government agencies (whether State, local, or Federal), or in legal proceedings in a court of law; and

(2) Be on behalf of--

(I) A single individual, in which case it is individual advocacy;

(ii) A group or class of individuals, in which case it is systems (or systemic) advocacy; or

(iii) Oneself, in which case it is self advocacy.

Attendant care means a personal assistance service provided to an individual with significant disabilities in performing a variety of tasks required to meet essential personal needs in areas such as bathing, communicating, cooking, dressing, eating, homemaking, toileting, and transportation.  
(Authority: 20 U.S.C. 706(30)(B)(vi))

Center for independent living means a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency that--

(1) Is designed and operated within a local community by individuals with disabilities; and

(2) Provides an array of IL services.  
(Authority: 29 U.S.C. 796a(1))

Consumer control means, with respect to a center or eligible agency, that the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of IL services.  
(Authority: 29 U.S.C. 796a(2))

Cross-disability means, with respect to a center, that a center provides IL services to individuals representing a range of significant disabilities and does not require the presence of one or more specific significant disabilities before determining that an individual is eligible for IL services.  
(Authority: 29 U.S.C. 796a(1))

Designated State agency or State agency means the sole State agency designated to administer (or supervise local administration of) the State plan for VR services. The term includes the State agency for individuals who are blind, if that agency has been designated as the sole State agency with respect to that part of the State VR plan relating to the vocational rehabilitation of individuals who are blind.  
(Authority: 29 U.S.C. 706(3) and 721(a)(1)(A))

Designated State unit means either--

(1) The State agency or the bureau, division, or other organizational unit within a State agency that is primarily concerned with the vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities and that is responsible for the administration of the VR program of the State agency; or

(2) The independent State commission, board, or other agency that has the vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities as its primary function. (Authority: 29 U.S.C. 706(3) and 721(a)(2)(A))

Eligible agency means a consumer-controlled, community-based, cross-disability, nonresidential, private, nonprofit agency.

(Authority: 29 U.S.C. 796f-5)

Independent living core services mean, for purposes of services that are supported under the SILS or CIL programs--

(1) Information and referral services;  
(2) IL skills training;  
(3) Peer counseling, including cross-disability peer counseling; and  
(4) Individual and systems advocacy.

(Authority: 29 U.S.C. 706(29))

Independent living services includes the independent living core services and--

(1) Counseling services, including psychological, psychotherapeutic, and related services;  
(2) Services related to securing housing or shelter, including services related to community group living, that are supportive of the purposes of the Act, and adaptive housing services, including appropriate accommodations to and modifications of any space used to serve, or to be occupied by, individuals with significant disabilities;  
(3) Rehabilitation technology;  
(4) Mobility training;  
(5) Services and training for individuals with cognitive and sensory disabilities, including life skills training and interpreter and reader services;  
(6) Personal assistance services, including attendant care and the training of personnel providing these services;  
(7) Surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

(8) Consumer information programs on rehabilitation and IL services available under the Act, especially for minorities and other individuals with significant disabilities who have traditionally been unserved or underserved by programs under the Act;

(9) Education and training necessary for living in a community and participating in community activities;

(10) Supported living;  
(11) Transportation, including referral and assistance for transportation;  
(12) Physical rehabilitation;  
(13) Therapeutic treatment;  
(14) Provision of needed prostheses and other appliances and devices;  
(15) Individual and group social and recreational services;

(16) Training to develop skills specifically designed for youths who are individuals with significant disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;

(17) Services for children;  
(18) Services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with significant disabilities;

(19) Appropriate preventive services to decrease the need of individuals with significant disabilities assisted under the Act for similar services in the future;

(20) Community awareness programs to enhance the understanding and integration into society of individuals with significant disabilities; and

(21) Any other services that may be necessary to improve the ability of an individual with a significant disability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment and that are not inconsistent with any other provisions of the Act.

(Authority: 29 U.S.C. 796e-2(1))

Individual with a disability means an individual who--

(1) Has a physical, mental, cognitive, or sensory impairment that substantially limits one or more of the individual's major life activities;  
(2) Has a record of such an impairment; or

- (3) Is regarded as having such an impairment.

(Authority: 29 U.S.C. 706(8)(B))

Individual with a significant disability means an individual with a severe physical, mental, cognitive, or sensory impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of IL services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment.

(Authority: 29 U.S.C. 706(15)(B))

Legally authorized advocate or representative means an individual who is authorized under State law to act or advocate on behalf of another individual. Under certain circumstances, State law permits only an attorney, legal guardian, or individual with a power of attorney to act or advocate on behalf of another individual. In other circumstances, State law may permit other individuals to act or advocate on behalf of another individual. (Authority: 29 U.S.C. 711(c))

Minority group means Alaskan Natives, American Indians, Asian Americans, Blacks (African Americans), Hispanic Americans, Native Hawaiians, and Pacific Islanders.

Nonresidential means, with respect to a center, that the center, as of October 1, 1994, does not operate or manage housing or shelter for individuals as an IL service on either a temporary or long-term basis unless the housing or shelter is --

(1) Incidental to the overall operation of the center;

(2) Necessary so that the individual may receive an IL service; and

(3) Limited to a period not to exceed eight weeks during any six-month period.

(Authority: 29 U.S.C. 796a, 796f-1(f) and 706f-2(f))

peer relationships mean relationships involving mutual support and assistance among individuals with significant disabilities who are actively pursuing IL goals.

Peer role models means individuals with significant disabilities whose achievements can serve as a positive example for other individuals with significant disabilities.

Personal assistance services means a range of IL services, provided by one or more persons, designed to assist an individual with a significant disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. These IL services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(Authority: 29 U.S.C. 706(11))

Service provider means--

(1) A DSU that directly provides IL services to individuals with significant disabilities;

(2) A center that receives financial assistance under Parts B or C of Chapter 1 of Title VII of the Act; or

(3) Any other entity or individual that meets the requirements of 364.43(e) and provides IL services under a grant or contract from the DSU pursuant to 364.43(b).

(Authority: 29 U.S.C. 711(c) and 796(e))

Significant disability means a severe physical, mental, cognitive, or sensory impairment that substantially limits an individual's ability to function independently in the family or community or to obtain, maintain, or advance in employment.

State means, except for sections 711(a)(2)(A) and 721(c)(2)(A) and where otherwise specified in the Act, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect).

(Authority: 29 U.S.C. 706(16))

State plan means the State IL plan required under section 704 of Title VII of the Act.

Transportation means travel and related expenses that are necessary to enable an individual with a significant disability to benefit from another IL service and travel and related expenses for an attendant or aide if the services of that attendant or aide are necessary to enable an individual with a significant disability to benefit from that IL service. (Authority: 29 U.S.C. 706(30)(B)(xi) and 711(c))

Unserviced and underserved groups or populations, with respect to groups or populations of individuals with significant disabilities in a State, include, but are not limited to, groups or populations of individuals with significant disabilities who--

- (1) Have cognitive and sensory impairments;
  - (2) Are members of racial and ethnic minority groups;
  - (3) Live in rural areas; or
  - (4) Have been identified by the eligible agency as unserved or underserved within a center's project area.
- (Authority: 29 U.S.C. 706, 711(c), and 796f-796f-5)

364.5 What is program income and how may it be used?

(a) Definition. Program income means gross income received by a grantee under Title VII of the Act that is directly generated by an activity supported under 34 CFR Part 365, 366, or 367.

(b) Sources. Sources of program income include, but are not limited to, payments received from workers' compensation funds or fees for services to defray part or all of the costs of services provided to particular consumers.

(c) Use of program income. (1) Program income, whenever earned, must be used for the provision of IL services or the administration of the State plan, as appropriate.

(2) A service provider is authorized to treat program income as--

(i) A deduction from total allowable costs charged to a Federal grant, in accordance with 34 CFR 80.25(g)(1); or

(ii) An addition to the grant funds to be used for additional allowable program expenditures, in accordance with 34 CFR 80.25(g)(2).

(3) Program income may not be used to meet the non-Federal share requirement under 34 CFR 365.12(b).

(Authority: 29 U.S.C. 711(c); 34 CFR 80.25)

364.6 What requirements apply to the obligation of Federal funds and program income?

- (a) Except as provided in paragraph (b) of this section, any Federal funds, including reallocated funds, that are appropriated for a fiscal year to carry out a program under 34 CFR Part 365, 366, or 367 that are not obligated or expended by the DSU or center prior to the beginning of the succeeding fiscal year, and any program income received during a fiscal year that is not obligated or expended by the DSU or center prior to the beginning of the succeeding fiscal year in which the program income was received, remain available for obligation and expenditure by the DSU or center during that succeeding fiscal year.

- (b) (b) Federal funds appropriated for a fiscal year under Part B of Chapter 1 and under Chapter 2 of Title VII of the Act remain available for obligation in the succeeding fiscal year only to the extent that the DSU complied with any matching requirement by obligating, in accordance with 34 CFR 76.707, the non-Federal share in the fiscal year for which the funds were appropriated.

(Authority: 29 U.S.C. 718)

Subpart B--What Are the Application Requirements?

364.10 What are the application requirements?

To receive a grant from a State's allotment of funds under Parts B and C of Chapter 1 of Title VII of the Act and 34 CFR Parts 365 and 366, a State shall submit to the Secretary, and obtain approval of, a three-year State plan meeting the requirements in Subpart C of this part.

(Authority: 29 U.S.C. 796c(a)(1))

364.11 When must the State plan be submitted for approval?

The designated State unit (DSU) shall submit to the Secretary for approval the three-year State plan no later than July 1 of the year preceding the first fiscal year of the three-year period for which the State plan is submitted.

(Authority: 29 U.S.C. 796c(a)(4))

364.12 How does the Secretary approve State plans?

(a) General. The Secretary approves a State plan that the Secretary determines meets the requirements of section 704 of the Act and Subparts B through D of this part and disapproves a plan that does not meet these requirements.

(b) Informal resolution. If the Secretary intends to disapprove the State plan, the Secretary attempts to resolve disputed issues informally with State officials.

(c) Notice of formal hearing. If, after reasonable effort has been made to resolve the dispute informally, no resolution has been reached, the Secretary provides written notice to the DSU and the SILC of the intention to disapprove the State plan and of the opportunity for a hearing.

(d) Hearing. (1) If the DSU requests a hearing, the Secretary designates one or more individuals, either from the Department or elsewhere, not responsible for or connected with the Department's administration of the programs authorized by Title VII of the Act, to conduct a hearing.

(2) If more than one individual is designated, the Secretary designates one of those individuals as the Chief Hearing Official of the Hearing Panel. If one individual is designated, that individual is the Hearing Official.

(e) Judicial review. A State may appeal the Secretary's decision to disapprove its State plan by filing a petition for review with the U.S. Court of Appeals for the circuit in which the State is located, in accordance with section 107(d) of the Act.

(Authority: 29 U.S.C. 711(c) and 796d-1(a))

364.13 Under what circumstances may funds be withheld, reduced, limited, or terminated?

(a) When withheld, reduced, limited, or terminated. Payments to a State under Chapter 1 of Title VII of the Act may be withheld, reduced, limited, or terminated as provided by section 107(c) of the Act if the Secretary finds that--

(1) The State plan has been so changed that it no longer conforms with the requirements of section 704 of the Act; or

(2) In the administration of the State plan, there is a failure to comply substantially with any provision of the plan.

(b) Informal resolution. If the Secretary intends to withhold, reduce, limit, or terminate payment of funds to a State under Title VII of the Act as provided by section 107(c) of the Act, the Secretary attempts to resolve disputed issues informally with State officials.

(c) Notice of formal hearing. If, after reasonable effort has been made to resolve the dispute informally, no resolution has been reached, the Secretary provides written notice to the DSU and SILC of the intention to withhold, reduce, limit, or terminate payment of funds under Title VII of the Act and of the opportunity for a hearing.

(d) Hearing. If the DSU requests a hearing, the Secretary designates an administrative law judge (ALJ) in the Office of Administrative Law Judges to conduct a hearing in accordance with the provisions of 34 CFR Part 81, Subpart A.

(e) Initial decision. The ALJ issues an initial decision in accordance with 34 CFR 81.41.

(f) Petition for review of an initial decision. The DSU may seek the Secretary's review of an ALJ's initial decision in accordance with 34 CFR 81.42.

(g) Review by the Secretary. The Secretary reviews an ALJ's initial decision in accordance with 34 CFR 81.43.

(h) Final decision of the Department. The ALJ's initial decision becomes the final decision of the Department in accordance with 34 CFR 81.44.

(i) Judicial review. A State may appeal the Secretary's final decision to withhold, reduce, limit, or terminate payment of funds to a State under Title VII of the Act by filing a petition for review with the U.S. Court of Appeals for the circuit in which the State is located, in accordance with section 107(d) of the Act.

(Authority: 29 U.S.C. 727(c)-(d) and 796d-1(a))  
Subpart C--What Are the State Plan Requirements?

364.20 What are the general requirements for a State plan?

(a) Form and content. The State plan must contain, in the form prescribed by the Secretary, the information required by this part and any other information requested by the Secretary.

(b) Duration. (1) The State plan must cover a three-year period and must be amended whenever necessary to reflect any material change in State law, organization, policy, or agency operations that affects the administration of the State plan.

(2) The Secretary may require a State to submit an interim State plan for a period of less than three years following a reauthorization of the Act and prior to the effective date of final regulations.

(c) Joint development-single agency. The State plan must be jointly--

(1) Developed by the DSU and the SILC; and

(2) Signed by the--

(i) Director of the DSU (Director); and

(ii) Chairperson of the SILC, acting on behalf of and at the direction of the SILC.

(d) Joint development-separate agency for individuals who are blind. If a separate State agency is authorized by State law as the sole State agency with authority to administer or supervise the administration of that part of the State plan relating to the vocational rehabilitation of individuals who are blind, the State plan must be jointly--

(1) Developed by the DSU, the SILC, and the separate State agency authorized to provide VR services for individuals who are blind; and

(2) Signed by the--

(i) Director;

(ii) Director of the separate State agency authorized to provide VR services for individuals who are blind; and

(iii) Chairperson of the SILC, acting on behalf of and at the direction of the SILC.

(Cross-reference: See 364.22(c).)

(e) The State plan must assure that, as appropriate, the DSU and SILC actively consult in the development of the State plan with the Director of the CAP authorized under section 112 of the Act.

(f) Periodic review and revision. The State plan must provide for the review and revision of the plan, at least once every three years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, the needs in the State for--

(1) Providing State IL services;

(2) Developing and supporting a statewide network of centers; and

(3) Working relationships between--

(i) Programs providing IL services and supporting or establishing centers; and

(ii) The VR program established under Title I of the Act, and other programs providing services for individuals with disabilities.

(g) Public hearings. (1) The State plan must assure that the DSU and SILC conduct public meetings to provide all segments of the public, including interested groups, organizations, and individuals, an opportunity to comment on the State plan prior to its submission to the Secretary and on any revisions to the approved State plan. The DSU and SILC may meet the public participation requirement by holding the public meetings before a preliminary draft State plan is prepared or by providing a preliminary draft State plan for comment at the public meetings.

(2) The State plan must assure that the DSU and SILC establish and maintain a written description of procedures for conducting public meetings in accordance with the following requirements:

(i) The DSU and SILC shall provide appropriate and sufficient notice of the public meetings. Appropriate and sufficient notice means notice provided at least 30 days prior to the public meeting through various media available to the general public, such as newspapers and public service announcements, and through specific contacts with appropriate constituency groups and organizations identified by the DSU and SILC.

(ii) The DSU and SILC shall make reasonable accommodation to individuals with disabilities who rely on alternative modes of communication in the conduct of the public meetings, including providing sign language interpreters and audio-loops.

(iii) The DSU and SILC shall provide the notices of the public meetings, any written material provided prior to or at the public meetings, and the approved State plan in accessible formats for individuals who rely on alternative modes of communication.

(h) The State plan must assure that, at the public meetings to develop the State plan, the DSU and SILC identify those provisions in the State plan that are State-imposed requirements. For purposes of this section, a State-imposed requirement includes any State law, regulation, rule, or policy relating to the DSU's administration or operation of IL programs under Title VII of the Act, including any rule or policy implementing any Federal law, regulation, or guideline, that is beyond what would be required to comply with the regulations in 34 CFR Parts 364, 365, 366, and 367.

(i) The State plan also must address how the specific requirements in 364.21 through 364.43 and in 364.56 and 364.59 will be met.

(Authority: 29 U.S.C. 711(c) and 796c(a) and (m)(6))

364.21 What are the requirements for the Statewide Independent Living Council (SILC)?

(a) Establishment. (1) To be eligible to receive assistance under Chapter 1 of Title VII of the Act, each State shall establish a SILC that meets the requirements of section 705 of the Act.

(2) The SILC may not be established as an entity within a State agency, including the designated State agency or DSU. The SILC shall be independent of the DSU and all other State agencies.

(b) Appointment and composition. (1) Appointment. Members of the SILC must be appointed by the Governor or the appropriate entity within the State responsible, in accordance with State law, for making appointments.

(2) Composition. (I) The SILC must include--

(A) At least one director of a center chosen by the directors of centers within the State; and

(B) As ex officio, nonvoting members, a representative from the DSU and representatives from other State agencies that provide services to individuals with disabilities.

(ii) The SILC may include--

(A) Other representatives from centers;

(B) Parents and legal guardians of individuals with disabilities;

(C) Advocates of and for individuals with disabilities;

(D) Representatives from private businesses;

(E) Representatives from organizations that provide services for individuals with disabilities; and

(F) Other appropriate individuals.

(iii) A majority of the members of the SILC must be individuals with disabilities, as defined in 364.4(b), and not employed by any State agency or center.

(c) Qualifications. The SILC must be composed of members--

(1) Who provide statewide representation;

(2) Who represent a broad range of individuals with disabilities; and

(3) Who are knowledgeable about centers and IL services.

(d) Voting members. A majority of the voting members of the SILC must be individuals with disabilities, as defined in 364.4(b), and not employed by any State agency or center.

(e) Chairperson. (1) In general. Except as provided in paragraph (e)(2) of this section, the SILC shall select a chairperson from among the voting membership of the SILC.

(2) Designation by Governor. In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a voting member of the SILC to serve as the chairperson of the SILC or shall require the SILC to so designate a voting member.

(f) Terms of appointment. Each member of the SILC shall serve for term of three years, except that--

(1) A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed must be appointed for the remainder of that term;

(2) The terms of service of the members initially appointed must be (as specified by the appointing authority) for the fewer number of years as will provide for the expiration of terms on a staggered basis; and

(3) No member of the SILC may serve for more than two consecutive full terms.

(g) Duties. The SILC shall--

(1) Jointly develop and sign (in conjunction with the DSU) the State plan required by section 704 of the Act and 364.20;

(2) Monitor, review, and evaluate the implementation of the State plan;

(3) Coordinate activities with the State Rehabilitation Advisory Council established under section 105 of the Act and councils that address the needs of specific disability populations and issues under other Federal law;

(4) Ensure that all regularly scheduled meetings of the SILC are open to the public and sufficient advance notice is provided; and

(5) Submit to the Secretary all periodic reports as the Secretary may reasonably request and keep all records, and afford access to all records, as the Secretary finds necessary to verify the periodic reports.

(h) Hearings. The SILC is authorized to hold any hearings and forums that the SILC determines to be necessary to carry out its duties.

(i) Resource plan. (1) The SILC shall prepare, in conjunction with the DSU, a resource plan

for the provision of resources, including staff and personnel, made available under Parts B and C of Chapter 1 of Title VII of the Act, Part C of Title I of the Act, and from other public and private sources that may be necessary to carry out the functions of the SILC under this part.

(2) The SILC's resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the State plan.

(3) No conditions or requirements may be included in the SILC's resource plan that may compromise the independence of the SILC.

(4) The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan.

(6) A description of the SILC's resource plan required by paragraph (I)(1) of this section must be included in the State plan.

(j) Staff. (1) The SILC shall, consistent with State law, supervise and evaluate its staff and other personnel as may be necessary to carry out its functions under this section.

(2) While assisting the SILC in carrying out its duties, staff and other personnel made available to the SILC by the DSU may not be assigned duties by the designated State agency or DSU, or any other agency or office of the State, that would create a conflict of interest.

(k) Reimbursement and compensation. The SILC may use the resources described in paragraph (I) of this section to reimburse members of the SILC for reasonable and necessary expenses of attending SILC meetings and performing SILC duties (including child care and personal assistance services) and to pay compensation to a member of the SILC, if the member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing SILC duties.

(l) Conflict of interest. The code of conduct provisions in 34 CFR 74.162 and the conflict of interest provisions in 34 CFR 75.524 and 75.525 apply to members of the SILC. For purposes of this paragraph and 34 CFR 74.162, 75.524, and 75.525, a SILC is not considered a government, governmental entity, or governmental recipient.

(Authority: 29 U.S.C. 796d)

#### 364.22 What is the State's responsibility for administration of the programs authorized by Chapter 1 of Title VII?

(a) General. The State plan must identify the DSU as the entity that, on behalf of the State, shall--

(1) Receive, account for, and disburse funds received by the State under Part B of Chapter 1 and section 723 of Title VII of the Act (and 34 CFR Parts 365 and 366, as applicable) based on the plan;

(2) Provide, as applicable, administrative support services for the SILS and CIL programs under Part B of Chapter 1 and section 723 of Title VII of the Act, respectively, and 34 CFR Parts 365 and 366, respectively;

(3) Keep records and afford access to these records as the Secretary finds to be necessary with respect to the SILS and CIL programs; and

(4) Submit additional information or provide assurances as the Secretary may require with respect to the SILS and CIL programs.

(b) Provision of administrative support services. The State plan must describe the administrative support services to be provided by the DSU under paragraph (a)(2) of this section.

(c) Designation of State unit for individuals who are blind. The State plan may designate a State agency or the organizational unit of a State agency that is authorized under State law to provide VR services to individuals who are blind under a State VR plan as the DSU to administer that part of the State IL plan under which IL services are provided to individuals who are blind. However, a State agency designated pursuant to this paragraph may not submit a separate State plan.

(Authority: 29 U.S.C. 796c(c))

#### 364.23 What are the staffing requirements?

(a) General staffing requirement. The State plan must assure that the staff of the service provider includes personnel who are specialists in the development and provision of IL services and in the development and support of centers.

(b) Alternative communication needs staffing. The State plan must also assure that, to the maximum extent feasible, the service provider makes available personnel able to communicate--

(1) With individuals with significant disabilities who rely on alternative modes of communication, such as manual communication, nonverbal communication devices, Braille, or audio

tapes, and who apply for or receive IL services under Title VII of the Act; and

(2) In the native languages of individuals with significant disabilities whose English proficiency is limited and who apply for or receive IL services under Title VII of the Act.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

364.24 What assurances are required for staff development?

The State plan must assure that the service provider establishes and maintains a program of staff development for all classes of positions involved in providing IL services and, if appropriate, in administering the CIL program. The staff development program must emphasize improving the skills of staff directly responsible for the provision of IL services, including knowledge of and practice in the IL philosophy.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

364.25 What are the requirements for a statewide network of centers for independent living?

(a) The State plan must include a design for the establishment of a statewide network of centers that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of 34 CFR Part 366.

(b) The design required by paragraph (a) of this section must identify unserved and underserved areas and must provide an order of priority for serving these areas.

(Authority: 29 U.S.C. 711(c) and 796c(g))

364.26 What are the requirements for cooperation, coordination, and working relationships?

(a) The State plan must include steps that will be taken to maximize the cooperation, coordination, and working relationships among--

(1) The SILS program, the SILC, and centers; and

(2) The DSU, other State agencies represented on the SILC, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the SILC.

(b) The State plan must identify the entities to which the DSU and the SILC will relate in carrying out the requirements of paragraph (a) of this section.  
Authority: 29 U.S.C. 796c(l))

364.27 What are the requirements for coordinating independent living (IL) services?

The State plan must describe how IL services funded under Chapter 1 of Title VII of the Act will be coordinated with, and complement, other services, to avoid unnecessary duplication with other Federal, State, and local programs, including the OIB program authorized by Chapter 2 of Title VII of the Act, that provide IL- or VR-related services. This description must include those services provided by State and local agencies administering the special education, vocational education, developmental disabilities services, public health, mental health, housing, transportation, and veterans' programs, and the programs authorized under Titles XVIII through XX of the Social Security Act within the State.

(Authority: 29 U.S.C. 796c(j) and 752(l)(2)(C))

364.28 What requirements relate to IL services for older individuals who are blind?

The State plan must include an assurance that the DSU will seek to incorporate into and describe in the State plan any new methods or approaches for the provision to older individuals who are blind of IL services that are developed under a project funded under Chapter 2 of Title VII of the Act and that the DSU determines to be effective.

(Authority: 29 U.S.C. 711(c), 796c(j), and 796k(h))

364.29 What are the requirements for coordinating Federal and State sources of funding?

(a) The State plan must describe efforts to coordinate Federal and State funding for centers and IL services.

(b) The State plan must identify the amounts, sources, and purposes of the funding to be coordinated under paragraph (a) of this section, including the amount of State funds earmarked for the general operation of centers.

(Authority: 29 U.S.C. 796c(k))

Cross-reference: See 34 CFR 366.30(a).

364.30 What notice must be given about the Client Assistance Program (CAP)?

The State plan must include satisfactory assurances that all service providers will use formats that are accessible to notify individuals seeking or receiving IL services under Chapter 1 of Title VII about--

- (a) The availability of the CAP authorized by section 112 of the Act;
  - (b) The purposes of the services provided under the CAP; and
  - (c) How to contact the CAP.
- (Authority: 29 U.S.C. 718a and 796c(m)(1))

364.31 What are the affirmative action requirements?

The State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will take affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act.

(Authority: 29 U.S.C. 796c(m)(2))

364.32 What are the requirements for outreach?

(a) With respect to IL services and centers funded under Chapter 1 of Title VII of the Act, the State plan must include steps to be taken regarding outreach to populations in the State that are unserved or underserved by programs under Title VII, including minority groups and urban and rural populations.

(b) The State plan must identify the populations to be designated for targeted outreach efforts under paragraph (a) of this section and the geographic areas (i.e., communities) in which they reside.

(Authority: 29 U.S.C. 796c(l))

364.33 What is required to meet minority needs?

The State plan must demonstrate how the State will address the needs of individuals with significant disabilities from minority group backgrounds.

(Authority: 29 U.S.C. 711(c), 718b(b), and 796c(l))

364.34 What are the fiscal and accounting requirements?

In addition to complying with applicable EDGAR fiscal and accounting requirements, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will adopt those fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for those funds.

(Authority: 29 U.S.C. 796c(m)(3))

364.35 What records must be maintained?

In addition to complying with applicable EDGAR record-keeping requirements, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will maintain--

(a) Records that fully disclose and document--

- (1) The amount and disposition by the recipient of that financial assistance;
- (2) The total cost of the project or undertaking in connection with which the financial assistance is given or used;
- (3) The amount of that portion of the cost of the project or undertaking supplied by other sources; and
- (4) Compliance with the requirements of Chapter 1 of Title VII of the Act and this part; and

(b) Other records that the Secretary determines to be appropriate to facilitate an effective audit.

(Authority: 29 U.S.C. 796c(m)(4))

364.36 What are the reporting requirements?

With respect to the records that are required by 364.35, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will submit reports that the Secretary determines to be appropriate.

(Authority: 29 U.S.C. 796c(m)(4)(D))

**364.37 What access to records must be provided?**

For the purpose of conducting audits, examinations, and compliance reviews, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 and Chapter 2 of Title VII of the Act will provide access to the Secretary and the Comptroller General, or any of their duly authorized representatives, to--

- (a) The records maintained under 364.35;
- (b) Any other books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under Chapter 1 of Title VII of the Act; and
- (c) All individual case records or files or consumer service records of individuals served under 34 CFR Parts 365, 366, or 367, including names, addresses, photographs, and records of evaluation included in those individual case records or files or consumer service records.

(Authority: 29 U.S.C. 711(c) and 796c(m)(4)(c) and (5))

**364.38 What methods of evaluation must the State plan include?**

The State plan must establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in 364.42, including evaluation of satisfaction by individuals with significant disabilities who have participated in the program.

(Authority: 29 U.S.C. 796c(n))

**364.39 What requirements apply to the administration of grants under the Centers for Independent Living program?**

In States in which State funding for centers equals or exceeds the amount of funds allotted to the State under Part C of Title VII of the Act, as determined pursuant to 34 CFR 366.29 and 366.31, and in which the State elects to administer the CIL program as provided in section 723 of the Act, the State plan must include policies, practices, and procedures, including the order of priorities that the State may establish pursuant to 34 CFR 366.34(a), that are consistent with section 723 of the Act to govern the awarding of grants to centers and the oversight of these centers.

(Authority: 29 U.S.C. 796c(g) and (h), 796f-1(d), and 796f-2(d)).

**364.40 Who is eligible to receive IL services?**

The State plan must assure that--

(a) Any individual with a significant disability, as defined in 364.4(b), is eligible for IL services under the SILS and CIL programs authorized under Chapter 1 of Title VII of the Act;

(b) Any individual may seek information about IL services under these programs and request referral to other services and programs for individuals with significant disabilities, as appropriate; and

(c) The determination of an individual's eligibility for IL services under the SILS and CIL programs meets the requirements of 364.51.

(Authority: 29 U.S.C. 706(15)(B) and 796b)

**364.41 What assurances must be included regarding eligibility?**

(a) The State plan must assure that the service provider applies eligibility requirements without regard to age, color, creed, gender, national origin, race, religion, or type of significant disability of the individual applying for IL services.

(b) The State plan must assure that the service provider does not impose any State or local residence requirement that excludes under the plan any individual who is present in the State and who is otherwise eligible for IL services from receiving IL services.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

364.42 What objectives and information must be included in the State plan?

(a) The State plan must specifically describe--

(1) The objectives to be achieved;  
(2) The financial plan for the use of Federal and non-Federal funds to meet these objectives. The financial plan must identify the source and amounts of other Federal and non-Federal funds to be used to meet these objectives; and

(3) How funds received under sections 711, 721, and 752 of the Act will further these objectives.

(b) The objectives required by paragraph (a) of this section must address--

(1) The overall goals and mission of the State's IL programs and services;

(2) The various priorities for the types of services and populations to be served; and

(3) The types of services to be provided.

(c) In developing the objectives required by paragraph (a) of this section, the DSU and the SILC shall consider, and incorporate if appropriate, the priorities and objectives established by centers pursuant to section 725(c)(4) of the Act.

(d) The State plan must establish timeframes for the achievement of the objectives required by paragraph (a) of this section.

(e) The State plan must explain how the objectives required by paragraph (a) of this section are consistent with and further the purpose of Chapter 1 of Title VII of the Act, as stated in section 701 of the Act and 364.2.

(Authority: 29 U.S.C. 796c(d))

364.43 What requirements apply to the provision of State IL services?

(a) The State plan must describe the extent and scope of IL services to be provided under Title VII of the Act to meet the objectives stated in 364.42.

(b) The State plan must provide that the State directly, or through grants or contracts, will provide IL services with Federal, State, or other funds.

(c) Unless the individual signs a waiver stating that an IL plan is unnecessary, IL services provided to individuals with significant disabilities must be in accordance with an IL plan that meets the requirements of 364.52 and that is mutually agreed upon by--

(1) An appropriate staff member of the service provider; and

(2) The individual.

(d) If the State provides the IL services that it is required to provide by paragraph (b) of this section through grants or contracts with third parties, the State plan must describe these arrangements.

(e) If the State contracts with or awards a grant to a center for the general operation of the center, the State shall delegate to the center the determination of an individual's eligibility for services from that center. If the State contracts with or awards a grant to a third party to provide specific IL services, the State may choose to delegate to the IL service provider the determination of eligibility for these services and the development of an IL plan for individuals who receive these services.

(Authority: 29 U.S.C. 711(c), 796c(e)-(f), and 796f-4(b)(2))

Cross-reference: See 34 CFR Part 365.

Subpart D--What Conditions Must Be Met After an Award?

364.50 What requirements apply to the processing of referrals and applications?

The service provider shall apply the standards and procedures established by the DSU pursuant to 34 CFR 365.30 to ensure expeditious and equitable handling of referrals and applications for IL services from individuals with significant disabilities. (Authority: 29 U.S.C. 711(c) and 796-796f-5)

364.51 What requirements apply to determinations of eligibility or ineligibility?

(a) Eligibility. (1) Before or at the same time as an applicant for IL services may begin receiving IL services funded under this part, the service provider shall determine the applicant's eligibility and maintain documentation that the applicant has met the basic requirements specified in 364.40.

(2) The documentation must be dated and signed by an appropriate staff member of the service provider.

(b) Ineligibility. (1) If a determination is made that an applicant for IL services is not an individual with a significant disability, the service provider shall provide documentation of the ineligibility determination that is dated and signed by an appropriate staff member.

(2)(i) The service provider may determine an applicant to be ineligible for IL services only after full consultation with the applicant or, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, or after providing a clear opportunity for this consultation.

(ii) The service provider shall notify the applicant in writing of the action taken and inform the applicant or, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, of the applicant's rights and the means by which the applicant may appeal the action taken.

(Cross-reference: See 364.58(a).)

(iii) The service provider shall provide a detailed explanation of the availability and purposes of the CAP established within the State under section 112 of the Act, including information on how to contact the program.

(iv) If appropriate, the service provider shall refer the applicant to other agencies and facilities, including the State's VR program under 34 CFR Part 361.

(c) Review of ineligibility determination. (1) If an applicant for IL services has been found ineligible, the service provider shall review the applicant's ineligibility at least once within 12 months after the ineligibility determination has been made and whenever the service provider determines that the applicant's status has materially changed.

(2) The review need not be conducted in situations where the applicant has refused the review, the applicant is no longer present in the State, or the applicant's whereabouts are unknown.

(Authority: 29 U.S.C. 711(c) and 796c(e))

364.52 What are the requirements for an IL plan?

(a) General. (1) Unless the individual who is to be provided IL services under this part signs a waiver in accordance with paragraph (a)(2) of this section, the service provider, in collaboration with the individual with a significant disability, shall develop and periodically review an IL plan for the individual in accordance with the requirements in 364.43(c) and paragraphs (b) through (e) of this section.

(2) The requirements of this section with respect to an IL plan do not apply if the individual knowingly and voluntarily signs a waiver stating that an IL plan is unnecessary.

(3) Subject to paragraph (a)(2) of this section, the service provider shall provide each IL service in accordance with the IL plan.

(b) Initiation and development of an IL plan.

(1) Development of an individual's IL plan must be initiated after documentation of eligibility under 364.51(a) and must indicate the goals or objectives established, the services to be provided, and the anticipated duration of the service program and each component service.

(2) The IL plan must be developed jointly and signed by the appropriate staff member of the service provider and the individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative.

(3) A copy of the IL plan, and any amendments, must be provided in an accessible format to the individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative.

(c) Review. (1) The IL plan must be reviewed as often as necessary but at least on an annual basis to determine whether services should be continued, modified, or discontinued, or whether the individual should be referred to a program of VR services under 34 CFR Part 361 or to any other program of assistance.

(2) Each individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative, must be given an opportunity to review the IL plan and, if necessary, jointly redevelop and agree by signature to its terms.

(d) Coordination with vocational rehabilitation, developmental disabilities, and special education programs. The development of the IL plan and the provision of IL services must be coordinated to the maximum extent possible with any individualized--

(1) Written rehabilitation program for VR services for that individual;

(2) Habilitation program for the individual prepared under the Developmental Disabilities Assistance and Bill of Rights Act; and

(3) Education program for the individual prepared under Part B of the Individuals with Disabilities Education Act.

(e) Termination of services. If the service provider intends to terminate services to an individual receiving IL services under an IL plan, the service provider shall follow the procedures in 364.51(b)(2)(ii) through (iv) and (c).

(Authority: 29 U.S.C. 711(c) and 796c(e) and (j))

364.53 What records must be maintained for the individual?

For each applicant for IL services and for each individual receiving IL services, the service provider shall maintain a consumer service record that includes--

(a) Documentation concerning eligibility or ineligibility for services;

(b) The services requested by the consumer;

(c) Either the IL plan developed with the consumer or a waiver signed by the consumer stating that an IL plan is unnecessary;

(d) The services actually provided to the consumer; and

(e) The IL goals or objectives--

(1) Established with the consumer, whether or not in the consumer's IL plan; and

(2) Achieved by the consumer.

(f) A consumer service record may be maintained either electronically or in written form, except that the IL plan and waiver must be in writing. (Authority: 29 U.S.C. 711(c), 712 and 796c(m)(4)(B))

364.54 What are the durational limitations on IL services?

The service provider may not impose any uniform durational limitations on the provision of IL services, except as otherwise provided by Federal law or regulation.

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

364.55 What standards shall service providers meet? In providing IL services to individuals with significant disabilities, service providers shall comply with--

(a) The written standards for IL service providers established by the DSU pursuant to 34 CFR 365.31; and

(b) All applicable State or Federal licensure or certification requirements.

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

364.56 What are the special requirements pertaining to the protection, use, and release of personal information?

(a) General provisions. The State plan must assure that each service provider will adopt and implement policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures must assure that--

(1) Specific safeguards protect current and stored personal information;

(2) All applicants for, or recipients of, IL services and, as appropriate, those individuals' legally authorized representatives, service providers, cooperating agencies, and interested persons are informed of the confidentiality of personal information and the conditions for gaining access to and releasing this information;

(3) All applicants or their legally authorized representatives are informed about the service provider's need to collect personal information and the policies governing its use, including--

(i) Identification of the authority under which information is collected;

(ii) Explanation of the principal purposes for which the service provider intends to use or release the information;

(iii) Explanation of whether providing requested information to the service provider is mandatory or voluntary and the effects to the individual of not providing requested information;

(iv) Identification of those situations in which the service provider requires or does not require informed written consent of the individual or his or her legally authorized representative before information may be released; and

(v) Identification of other agencies to which information is routinely released;

(4) Persons who are unable to communicate in English or who rely on alternative modes of communication must be provided an explanation of service provider policies and procedures affecting personal information through methods that can be adequately understood by them;

(5) At least the same protections are provided to individuals with significant disabilities as provided by State laws and regulations; and

(6) Access to records is governed by rules established by the service provider and any fees charged for copies of records are reasonable and

cover only extraordinary costs of duplication or making extensive searches.

(b) Service provider use. All personal information in the possession of the service provider may be used only for the purposes directly connected with the provision of IL services and the administration of the IL program under which IL services are provided. Information containing identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for the provision of IL services or the administration of the IL program under which IL services are provided. In the provision of IL services or the administration of the IL program under which IL services are provided, the service provider may obtain personal information from other service providers and cooperating agencies under assurances that the information may not be further divulged, except as provided under paragraphs (c), (d), and (e) of this section.

(c) Release to recipients of IL services. (1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, if requested in writing by a recipient of IL services, the service provider shall release all information in that individual's record of services to the individual or the individual's legally authorized representative in a timely manner. (2) Medical, psychological, or other information that the service provider determines may be harmful to the individual may not be released directly to the individual, but must be provided through a qualified medical or psychological professional or the individual's legally authorized representative.

(3) If personal information has been obtained from another agency or organization, it may be released only by, or under the conditions established by, the other agency or organization.

(d) Release for audit, evaluation, and research. Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research activities only for purposes directly connected with the administration of an IL program, or for purposes that would significantly improve the quality of life for individuals with significant disabilities and only if the organization, agency, or individual assures that--

(1) The information will be used only for the purposes for which it is being provided;

(2) The information will be released only to persons officially connected with the audit, evaluation, or research;

(3) The information will not be released to the involved individual;

(4) The information will be managed in a manner to safeguard confidentiality; and

(5) The final product will not reveal any personally identifying information without the informed written consent of the involved individual or the individual's legally authorized representative.

(e) Release to other programs or authorities. (1) Upon receiving the informed written consent of the individual or, if appropriate, the individual's legally authorized representative, the service provider may release personal information to another agency or organization for the latter's program purposes only to the extent that the information may be released to the involved individual and only to the extent that the other agency or organization demonstrates that the information requested is necessary for the proper administration of its program.

(2) Medical or psychological information may be released pursuant to paragraph (e)(1) of this section if the other agency or organization assures the service provider that the information will be used only for the purpose for which it is being provided and will not be further released to the individual.

(3) The service provider shall release personal information if required by Federal laws or regulations.

(4) The service provider shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to judicial order.

(5) The service provider also may release personal information to protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

(Authority: 29 U.S.C. 711(c))

#### 364.57 What functions and responsibilities may the State delegate?

A DSU may carry out the functions and responsibilities described in 364.50, 364.51 (subject to 364.43(d)), 364.52, 364.53, and 364.56 or, except as otherwise provided, may delegate these functions and responsibilities to the appropriate service provider with which the DSU subgrants or contracts to provide IL services.

(Authority: 29 U.S.C. 711(c), 796c(f) and 796e-2)

364.58 What appeal procedures must be available to consumers?

Each service provider shall--

(a) Establish policies and procedures that an individual may use to obtain review of decisions made by the service provider concerning the individual's request for IL services or the provision of IL services to the individual; and

(b) Use formats that are accessible to inform each individual who seeks or is receiving IL services from the service provider about the procedures required by paragraph (a) of this section.

(Authority: 29 U.S.C. 711(c))

364.59 May an individual's ability to pay be considered in determining his or her participation in the costs of IL services?

(a) No Federal requirement or prohibition.

(1) A State is neither required to allow nor prohibited from allowing service providers to charge consumers for the cost of IL services.

(2) If a State allows service providers to charge consumers for the cost of IL services, a State is neither required to allow nor prohibited from allowing service providers to consider the ability of individual consumers to pay for the cost of IL services in determining how much a particular consumer must contribute to the costs of a particular IL service.

(b) State plan requirements. If a State chooses to allow service providers to charge consumers for the cost of IL services or if a State chooses to allow service providers to consider the ability of individual consumers to pay for the cost of IL services, the State plan must--

(1) Specify the types of IL services for which costs may be charged and for which a financial need test may be applied; and

(3) Assure that any consideration of financial need is applied uniformly so that all individuals who are eligible for IL services are treated equally.

(c) Financial need. Consistent with paragraph (b) of this section, a service provider may choose to charge consumers for the cost of IL services or may choose to consider the financial

need of an individual who is eligible for IL services.

(d) Written policies and documentation. If the service provider chooses to consider financial need--

(1) It shall maintain written policies covering the specific types of IL services for which a financial need test will be applied; and

(2) It shall document the individual's participation in the cost of any IL services, including the individual's financial need.

(Authority: 29 U.S.C. 711(c))

## **PART 366--CENTERS FOR INDEPENDENT LIVING**

### **Subpart A--General**

Sec.

- 366.1 What is the Centers for Independent Living (CIL) program?
- 366.2 What agencies are eligible for assistance under the CIL program?
- 366.3 What activities may the Secretary fund?
- 366.4 What regulations apply?
- 366.5 How are program funds allotted?

### **Subpart B--Training and Technical Assistance**

- 366.10 What agencies are eligible for assistance to provide training and technical assistance?
- 366.11 What financial assistance does the Secretary provide for training and technical assistance?
- 366.12 How does the Secretary make an award?
- 366.13 How does the Secretary determine funding priorities?
- 366.14 How does the Secretary evaluate an application?
- 366.15 What selection criteria does the Secretary use?

### **Subpart C--Grants to Centers for Independent Living (Centers) in States in Which Federal Funding Exceeds State Funding**

- 366.20 When does the Secretary award grants to centers?
- 366.21 What are the application requirements for existing eligible agencies?
- 366.22 What is the order of priorities?
- 366.23 What grants must be made to existing eligible agencies?
- 366.24 How is an award made to a new center?
- 366.25 What additional factor does the Secretary use in making a grant for a new center under 366.24?
- 366.26 How does the Secretary evaluate an application?
- 366.27 What selection criteria does the Secretary use?
- 366.28 Under what circumstances may the Secretary award a grant to a center in one State to serve individuals in another State?

### **Subpart D--Grants to Centers in States in Which State Funding Equals or Exceeds Federal Funding**

#### **DETERMINING WHETHER STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING**

- 366.29 When may the Director of the designated State unit (DSU) award grants to centers?
- 366.30 What are earmarked funds?
- 366.31 What happens if the amount of earmarked funds does not equal or exceed the amount of Federal funds for a preceding fiscal year?

## AWARDING GRANTS

- 366.32 Under what circumstances may the DSU make grants?
- 366.33 What are the application requirements for existing eligible agencies?
- 366.34 What is the order of priorities?
- 366.35 What grants must be made to existing eligible agencies?
- 366.36 How is an award made to a new center?
- 366.37 What procedures does the Director of the DSU (Director) use in making a grant for a new center?
- 366.38 What are the procedures for review of centers?

### Subpart E--Enforcement and Appeals Procedures

- 366.39 What procedures does the Secretary use for enforcement?
- 366.40 How does the Director initiate enforcement procedures?
- 366.41 What must be included in an initial written notice from the Director?
- 366.42 When does a Director issue a final written decision?
- 366.43 What must be included in the Director's final written decision?
- 366.44 How does a center appeal a decision included in a Director's initial written notice or a Director's final written decision?
- 366.45 What must a Director do upon receipt of a copy of a center's formal written appeal to the Secretary?
- 366.46 How does the Secretary review a center's appeal of a decision included in a Director's initial written notice or a Director's final written decision?

### Subpart F--Assurances for Centers

- 366.50 What assurances shall a center provide and comply with?

### Subpart G--Evaluation Standards and Compliance Indicators

- 366.60 What are project evaluation standards?
- 366.61 What are the compliance indicators?
- 366.62 What are the requirements for continuation funding?
- 366.63 What evidence must a center present to demonstrate that it is in minimum compliance with the evaluation standards?

AUTHORITY: 29 U.S.C. 796f through 796f-5, unless otherwise noted.

## Subpart A - General

### 366.1 What is the Centers for Independent Living (CIL) program?

The CIL program provides financial assistance for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725(b) and (c) of the Act, consistent with the design included in the State plan pursuant to 34 CFR 364.25 for establishing a statewide network of centers.

(Authority: 29 U.S.C. 796f, 796f-1(a)(2), and 796f-2(a)(1)(A)(ii))

### 366.2 What agencies are eligible for assistance under the CIL program?

(a) In any State in which the Secretary has approved the State plan required by section 704 of the Act, an applicant may receive a grant under Subparts C or D of this part, as applicable, if the applicant demonstrates in its application submitted pursuant to 366.21, 366.24, 366.33, 366.35, or 366.36 that it--

- (1) Has the power and authority to--
  - (i) Carry out the purpose of Part C of Title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and Subparts F and G of this part within a community located within that State or in a bordering State; and
  - (ii) Receive and administer--
    - (A) Funds under this part;
    - (B) Funds and contributions from private or public sources that may be used in support of a center; and
    - (C) Funds from other public and private programs; and
- (2) Is able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.

(b) An applicant that meets the requirements of paragraph (a) of this section is eligible to apply as a new center under 366.24 or 366.36 if it--

- (1) Is not receiving funds under Part C of Chapter 1 of Title VII of the Act; or
- (2) Proposes the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board

of the new center) at a different geographical location; and

(3) Meets the requirements of 366.24;

(c) A State that received assistance in fiscal year (FY) 1993 to directly operate a center in accordance with section 724(a) of the Act is eligible to continue to receive assistance under this part to directly operate that center for FY 1994 or a succeeding fiscal year if, for the fiscal year for which assistance is sought--

(1) No nonprofit private agency submits and obtains approval of an acceptable application under sections 722 or 723 of the Act or 366.21 or 366.24 to operate a center for that fiscal year before a date specified by the Secretary; or

(2) After funding all applications so submitted and approved, the Secretary determines that funds remain available to provide that assistance.

(d) Except for the requirement that the center be a private nonprofit agency, a center that is operated by a State that receives assistance under paragraph (a), (b), or (c) of this section shall comply with all of the requirements of Part C of Title VII of the Act and the requirements in Subparts C or D, as applicable, and F of this part.

(e) Eligibility requirements for assistance under Subpart B of this part are described in 366.10. (Authority: 29 U.S.C. 711(c), 796f-1(b) and (d)(3), 796f-2(b), and 796f-3(a)(2) and (b))

### 366.3 What activities may the Secretary fund?

(a) An eligible agency may use funds awarded under Subpart B of this part to carry out activities described in 366.11(b).

(b) An eligible agency may use funds awarded under Subparts C and D of this part to--

- (1) Plan, conduct, administer, and evaluate centers that comply with the standards and assurances in section 725(b) and (c) of the Act;
- (2) Promote and practice the independent living (IL) philosophy in accordance with Evaluation Standard 1 ("Philosophy");
- (3) Provide IL services (including IL core services and, as appropriate, a combination of any other IL services specified in section 7(30)(B) of the Act) to individuals with a range of significant disabilities in accordance with Evaluation Standards 2 and 5 ("Provision of services" and "Independent living core services," respectively);

(4) Facilitate the development and achievement of IL goals selected by individuals with significant disabilities who seek assistance in the development and achievement of IL goals from the center in accordance with Evaluation Standard 3 ("Independent living goals");

(5) Increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of IL goals by individuals with significant disabilities in accordance with Evaluation Standard 4 ("Community options");

(6) Increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities in accordance with Evaluation Standard 6 ("Activities to increase community capacity");

(7) Conduct resource development activities to obtain funding from sources other than Chapter 1 of Title VII of the Act in accordance with Evaluation Standard 7 (Resource development activities); and

(8) Conduct activities necessary to comply with the assurances in section 725(c) of the Act, including, but not limited to the following:

(I) Aggressive outreach regarding services provided through the center in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act, especially minority groups and urban and rural populations.

(ii) Training for center staff on how to serve unserved and underserved populations, including minority groups and urban and rural populations.  
(Authority: 29 U.S.C. 796f through 796f-4)  
(Cross-reference: See 366.71 in Subpart G.)

#### 366.4 What regulations apply?

The following regulations apply to the CIL program:

- (a) The regulations in 34 CFR Part 364.
- (b) The regulations in this Part 366.

(Authority: 29 U.S.C. 711(c) and 796f-796f-5)

#### 366.5 How are program funds allotted?

(a) The Secretary allots Federal funds appropriated for FY 1994 and subsequent fiscal years for the CIL program to each State in accordance with the requirements of section 721 of the Act.

(b)(1) After the Secretary makes the reservation required by section 721(b) of the Act, the Secretary makes an allotment, from the remainder of the amount appropriated for a fiscal year to carry out Part C of Title VII of the Act, to each State whose State plan has been approved under section 706 of the Act and 34 CFR Part 364.

(2) The Secretary makes the allotment under paragraph (b)(1) of this section subject to sections 721(c)(1)(B) and (C), 721(c)(2) and (3), and 721(d) of the Act.

(Authority: 29 U.S.C. 796f)

**Subpart B Deleted (Not relevant to Competition)**

**Subpart C - Grants to Centers for Independent Living (Centers) in States in Which Federal Funding Exceeds State Funding**

#### 366.20 When does the Secretary award grants to centers?

The Secretary awards grants to centers in a State in a fiscal year if--

(a) The amount of Federal funds allotted to the State under section 721(c) and (d) of the Act to support the general operation of centers is greater than the amount of State funds earmarked for the same purpose, as determined pursuant to 366.29 and 366.31; or

(b) The Director of a designated State unit (DSU) does not submit to the Secretary and obtain approval of an application to award grants under section 723 of the Act and 366.32(a) and (b).  
(Authority: 29 U.S.C. 796f-1 and 796f-2(a)(2))

#### 366.21 What are the application requirements for existing eligible agencies?

To be eligible for assistance, an eligible agency shall submit--

- (a) An application at the time, in the manner, and containing the information that is required;
- (b) An assurance that the eligible agency meets the requirements of 366.2; and

The assurances required by section 725(c) of the Act and Subpart F of this part.  
(Authority: 29 U.S.C. 796f-1(b))

#### 366.22 What is the order of priorities?

(a) In accordance with a State's allotment and to the extent funds are available, the order of priorities for allocating funds among centers within a State is as follows:

(1) Existing centers, as described in 366.23, that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part first receive the level of funding each center received in the previous year. However, any funds received by an existing center to establish a new center at a different geographical location pursuant to proposed 366.2(b)(2) are not included in determining the level of funding to the existing center in any fiscal year that the new center applies for and receives funds as a separate center.

(2) Existing centers that meet the requirements of paragraph (a)(1) of this section then receive a cost-of-living increase in accordance with procedures consistent with section 721(c)(3) of the Act.

(3) New centers, as described in 366.2(b), that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.

(b) If, after meeting the priorities in paragraphs (a)(1) and (2) of this section, there are insufficient funds under the State's allotment under section 721(c) and (d) of the Act to fund a new center under paragraph (a)(3) of this section, the Secretary may--

(1) Use the excess funds in the State to assist existing centers consistent with the State plan; or

(2) Reallot these funds in accordance with section 721(d) of the Act.

(Authority: 29 U.S.C. 711(c) and 796f-1(e))

366.23 What grants must be made to existing eligible agencies?

(a) In accordance with the order of priorities established in 366.22, an eligible agency may receive a grant if the eligible agency demonstrates in its application that it--

(1) Meets the requirements in 366.21 or 366.24;

(2) Is receiving funds under Part C of Title VII of the Act on September 30, 1993; and

(3) Is in compliance with the program and fiscal standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part. (The indicators of minimum compliance in Subpart G of this

part are used to determine compliance with the evaluation standards in section 725(b) of the Act.)

(b) For purposes of this section, an eligible agency is receiving funds under Part C of Title VII of the Act on September 30, 1993, if it was awarded a grant on or before that date, i.e., during FY 1993. (Authority: 29 U.S.C. 796f-1(c))

366.24 How is an award made to a new center?

(a) To apply for a grant as a new center, an eligible agency shall--

(1) Meet the requirements of 366.2(b);

(2) Submit an application that meets the requirements of 366.21; and

(3) Meet the requirements of this section.

(b) Subject to the order of priorities established in 366.22, a grant for a new center may be awarded to the most qualified eligible agency that applies for funds under this section, if--

(1)(i) No center serves a geographic area of a State; or

(ii) A geographic area of a State is underserved by centers serving other areas of the State;

(2) The eligible agency proposes to serve the geographic area that is unserved or underserved in the State; and

(3) The increase in the allotment of the State under section 721 of the Act for a fiscal year, as compared with the immediately preceding fiscal year, is sufficient to support an additional center in the State.

(c) The establishment of a new center under this subpart must be consistent with the design included in the State plan pursuant to 34 CFR 364.25 for establishing a statewide network of centers.

(d) An applicant may satisfy the requirements of paragraph (c) of this section by submitting appropriate documentation demonstrating that the establishment of a new center is consistent with the design in the State plan required by 34 CFR 364.25.

(Authority: 29 U.S.C. 796f-1(d))

366.25 What additional factor does the Secretary use in making a grant for a new center under 366.24?

In selecting from among applicants for a grant under 366.24 for a new center, the Secretary considers comments regarding the application, if any, by the SILC in the State in which the applicant is located.

(Authority: 29 U.S.C. 796f-1(d)(1))

366.26 How does the Secretary evaluate an application?

(a) The Secretary evaluates each application for a grant under this subpart on the basis of the criteria in 366.27.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 29 U.S.C. 796f(b)(3))

366.27 What selection criteria does the Secretary use?

In evaluating each application for a new center under this part, the Secretary uses the following selection criteria:

(a) Extent of the need for the project (20 points).

(1) The Secretary reviews each application for persuasive evidence that shows the extent to which the project meets the specific needs for the program, including considerations of--

(I) The needs addressed by the project;

(ii) How the applicant identified those needs (e.g., whether from the 1990 census data or other current sources);

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(2) The Secretary looks for information that shows that the need for the center has been established based on an assessment of the ability of existing programs and facilities to meet the need for IL services of individuals with significant disabilities in the geographic area to be served.

(3) The Secretary looks for information that shows--

(i) That the applicant proposes to establish a new center to serve a priority service area that is identified in the current State plan; and

(ii) The priority that the State has placed on establishing a new center in this proposed service area.

(b) Past performance (5 points). The Secretary reviews each application for information that shows the past performance of the applicant in successfully providing services comparable to the IL core services and other IL services listed in section 7(29) and (30) of the Act and 34 CFR 365.21 and 365.22 and other services that empower individuals with significant disabilities.

(c) Meeting the standards and the assurances (25 points). The Secretary reviews each application for information that shows--

(1) Evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the standards in section 725(b) of the Act and Subpart G of this part; and

(2) Convincing evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the assurances in section 725(c) of the Act and Subpart F of this part.

(d) Quality of key personnel (10 points).

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project, including--

(i) The qualifications of the project director, if one is to be used;

(ii) The qualifications of each of the other management and decision-making personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(1)(I) and (ii) of this section will commit to the project;

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability; and

(v) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, including--

(A) Members of racial or ethnic minority groups;

(B) Women;

(c) Persons with disabilities; and

(D) Elderly individuals.  
(2) To determine personnel qualifications under paragraphs (d)(1)(I) and (ii) of this section, the Secretary considers--

(e) Budget and cost effectiveness (10 points). The Secretary reviews each application for information that shows the extent to which--

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) Evaluation plan (5 points). The Secretary reviews each application for information that shows the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation--

(1) Are appropriate for the project;  
(2) Will determine how successful the project is in meeting its goals and objectives; and  
(3) Are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590.)

(g) Plan of operation (20 points). The Secretary reviews each application for information that shows the quality of the plan of operation for the project, including--

(1) The quality of the design of the project;  
(2) The extent to which the plan of management ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality and adequacy of the applicant's plan to use its resources (including funding, facilities, equipment, and supplies) and personnel to achieve each objective;

(5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability; and

(6) A clear description of how the applicant will provide equal access to services for eligible project participants who are members of groups that have been traditionally under-represented, including--

(I) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Elderly individuals; and

(iv) Children and youth.

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the objectives of the project.

(h) Involvement of individuals with significant disabilities (5 points).

(1) The Secretary reviews each application for information that shows that individuals with significant disabilities are appropriately involved in the development of the application.

(2) The Secretary looks for information that shows that individuals with significant disabilities or their parents, guardians, or other legally authorized advocates or representatives, as appropriate, will be substantially involved in planning, policy direction, and management of the center, and, to the greatest extent possible, that individuals with significant disabilities will be employed by the center.

(Authority: 29 U.S.C. 796f-1(d)(2)(B))

366.28 Under what circumstances may the Secretary award a grant to a center in one State to serve individuals in another State?

(a) The Secretary may use funds from the allotment of one State to award a grant to a center located in a bordering State if the Secretary determines that the proposal of the out-of-State center to serve individuals with significant disabilities who reside in the bordering State is consistent with the State plan of the State in which these individuals reside.

(b) An applicant shall submit documentation demonstrating that the arrangements described in paragraph (a) of this section are consistent with the State plan of the State in which the individuals reside.

(Authority: 29 U.S.C. 711(c) and 796f(c) and (d))

**Subpart D -- Deleted (Not relevant to 722 Competition)**

**Subpart E--Enforcement and Appeals Procedures**

**366.39 What procedures does the Secretary use for enforcement?**

(a) If the Secretary determines that any center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part, the Secretary immediately notifies the center, by certified mail, return receipt requested, or other means that provide proof of receipt, that the center is out of compliance. The Secretary also offers technical assistance to the center to develop a corrective action plan to comply with the standards and assurances.

(b) The Secretary terminates all funds under section 721 of the Act to that center 90 days after the date of the notification required by paragraph (a) of this section unless--

(1) The center submits, within 90 days after receiving the notification required by paragraph (a) of this section, a corrective action plan to achieve compliance that is approved by the Secretary; or

(2) The center requests a hearing pursuant to paragraph (c) or (d) of this section.

(c) If the Secretary does not approve a center's corrective action plan submitted pursuant to paragraph (b)(1) of this section, the center has 30 days from receipt of the Secretary's written notice of disapproval of the center's corrective action plan to request a hearing by submitting a formal written request that gives the reasons why the center believes that the Secretary should have approved the center's corrective action plan.

(d) If the center does not submit a corrective action plan to the Secretary, the center has 90 days after receiving the notification required by paragraph (a) of this section to request a hearing by submitting a formal written request that gives the reasons why the center believes that the Secretary should have found the center in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.

(e) The date of filing a formal written request for a hearing to the Secretary under paragraph (c) or (d) of this section is determined in a manner consistent with the requirements of 34 CFR 81.12.

(f) The Secretary issues a written decision to terminate funds to the center if, after providing reasonable notice and an opportunity for a hearing, the Secretary finds that--

(1) The center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part; or

(2) The center's corrective action plan submitted under paragraph (b)(1) of this section cannot be approved.

(g) The Secretary's decision to terminate funds to a center pursuant to paragraph (f) of this section takes effect upon issuance.

(Authority: 29 U.S.C. 711(c) and 796f-1(g))

**366.40 How does the Director initiate enforcement procedures?**

(a) If the Director determines that any center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part, the Director shall immediately provide the center, by certified mail, return receipt requested, or other means that provide proof of receipt, with an initial written notice that the center is out of compliance with the standards and assurances and that the Director will terminate the center's funds or take other proposed significant adverse action against the center 90 days after the center's receipt of this initial written notice. The Director shall provide technical assistance to the center to develop a corrective action plan to comply with the standards and assurances.

(b) Unless the center submits, within 90 days after receiving the notification required by paragraph (a) of this section, a corrective action plan to achieve compliance that is approved by the Director or, if appealed, by the Secretary, the Director shall terminate all funds under section 723 of the Act to a center 90 days after the later of--

(1) The date that the center receives the initial written notice required by paragraph (a) of this section; or

(2) The date that the center receives the Secretary's final decision issued pursuant to 366.46(c) if--

(I) The center files a formal written appeal of the Director's final written decision pursuant to 366.44(a); or

(ii) The center files a formal written appeal of the decision described in the Director's initial written notice pursuant to 366.44(b).

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (I))

**366.41 What must be included in an initial written notice from the Director?**

The initial written notice required by 366.40(a) must--

- (a) Include, at a minimum, the following:
  - (1) The name of the center.
  - (2) The reason or reasons for proposing the termination of funds or other significant adverse action against the center, including any evidence that the center has failed to comply with any of the evaluation standards or assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.
  - (3) The effective date of the proposed termination of funds or other significant adverse action against the center;
    - (c) Be given 90 days in advance of the date the Director intends to terminate a center's funds or take any other significant adverse action against the center;
    - (d) (c) Inform the center that it has 90 days from the date the center receives the notice to submit a corrective action plan;
    - (d) Inform the center that it may seek mediation and conciliation in accordance with 366.40(a) to resolve any dispute with the Director within the 90 days before the proposed termination of funds or other significant adverse action against the center; and
    - (e) Inform the center that, if mediation and conciliation are not successful and the Director does not issue a final written decision pursuant to 366.42, the center may appeal to the Secretary the decision described in the Director's initial written notice on or after the 90th day, but not later than the 120th day, after the center receives the Director's initial decision.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (I))

**366.42 When does a Director issue a final written decision?**

(a) If the center submits a corrective action plan in accordance with 366.40(b), the Director shall provide to the center, not later than the 120th day after the center receives the Director's initial written notice, a final written decision approving or disapproving the center's corrective action plan and

informing the center, if appropriate, of the termination of the center's funds or any other proposed significant adverse action against the center.

(b) The Director shall send the final written decision to the center by registered or certified mail, return receipt requested, or other means that provide a record that the center received the Director's final written decision.

(c) A Director's final written decision to terminate funds or take any other adverse action against a center may not take effect until 30 days after the date that the center receives it.

(d) If a center appeals pursuant to 366.44(a), the Director's final written decision to terminate funds or take any other adverse action against a center does not take effect until the Secretary issues a final decision.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (I))

**366.43 What must be included in the Director's final written decision?**

The Director's final written decision to disapprove a center's corrective action plan required by 366.42 must--

- (a) Address any response from the center to the Director's initial written notice to terminate funds or take other significant adverse action against the center;
- (b) Include a statement of the reasons why the Director could not approve the corrective action plan; and
- (c) Inform the center of its right to appeal to the Secretary the Director's final written decision to terminate funds or take any other significant adverse action against the center.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (I))

**366.44 How does a center appeal a decision included in a Director's initial written notice or a Director's final written decision?**

(a) To obtain the Secretary's review of a Director's final written decision to disapprove a center's corrective action plan submitted pursuant to 366.40(b), the center shall file, within 30 days from receipt of the Director's final written decision, a formal written appeal with the Secretary giving the reasons why the center believes that the Director should have approved the center's corrective action plan.

(Cross-reference: See 366.42.)

(b) To obtain the Secretary's review of a decision described in a Director's initial written notice, a center that does not submit a corrective action plan to a Director shall file, in accordance with paragraph (c)(1)(I) of this section, a formal written appeal with the Secretary giving the reasons why the center believes that the Director should have found the center in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.

(c) To appeal to the Secretary a decision described in a Director's initial written notice or a Director's final written decision to disapprove a center's corrective action plan and to terminate or take other significant adverse action, a center shall file with the Secretary--

- (1) A formal written appeal--
  - (i) On or after the 90th day but not later than the 120th day following a center's receipt of a Director's initial written notice; or
  - (ii) On or before the 30th day after a center's receipt of the Director's final written decision to disapprove a center's corrective action plan and to terminate or take other significant adverse action;
- (2) A copy of the corrective action plan, if any, submitted to the Director; and
- (3) One copy each of any other written submissions sent to the Director in response to the Director's initial written notice to terminate funds or take other significant adverse action against the center.

(d) The date of filing a formal written appeal to the Secretary under paragraph (c) of this section is determined in a manner consistent with the requirements of 34 CFR 81.12.

(e) If the center files a formal written appeal with the Secretary, the center shall send a separate copy of this appeal to the Director by registered or certified mail, return receipt requested, or other means that provide a record that the Director received a separate copy of the center's written appeal.

(f) The center's formal written appeal to the Secretary must state why--

- (1) The Director has not met the burden of showing that the center is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and in Subparts F and G of this part;
- (2) The corrective action plan, if any, should have been approved; or
- (3) The Director has not met the procedural requirements of 366.40 through 366.45.

(g) As part of its submissions under this section, the center may request an informal meeting with the Secretary at which representatives of both parties will have an opportunity to present their views on the issues raised in the appeal.

(h) A Director's decision to terminate funds that is described in an initial written notice or final written decision is stayed as of the date (determined pursuant to paragraph (d) of this section) that the center files a formal written appeal with the Secretary. (Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (I))

366.45 What must a Director do upon receipt of a copy of a center's formal written appeal to the Secretary?

(a) If the center files a formal written appeal in accordance with 366.44(c), the Director shall, within 15 days of receipt of the center's appeal, submit to the Secretary one copy each of the following:

- (1) The Director's initial written notice to terminate funds or take any other significant adverse action against the center sent to the center.
- (2) The Director's final written decision, if any, to disapprove the center's corrective action plan and to terminate the center's funds or take any other significant adverse action against the center.
- (3) Any other written documentation or submissions the Director wishes the Secretary to consider.

(4) Any other information requested by the Secretary.

(b) As part of its submissions under this section, the Director may request an informal meeting with the Secretary at which representatives of both parties will have an opportunity to present their views on the issues raised in the appeal.

(Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (I))

366.46 How does the Secretary review a center's appeal of a decision included in a Director's initial written notice or a Director's final written decision?

(a) If either party requests a meeting under 366.44(g) or 366.45(b), the meeting is to be held within 30 days of the date of the Secretary's receipt of the submissions from the Director that are required by 366.45(a). The Secretary promptly notifies the parties of the date and place of the meeting.

(b) Within 30 days of the informal meeting permitted under paragraph (a) of this section or, if neither party has requested an informal meeting,

within 60 days of the date of receipt of the submissions required from the Director by 366.45(a), the Secretary issues to the parties the Secretary's decision.

(c) The Secretary reviews a decision included in a Director's initial written notice or a Director's final written decision to disapprove the center's corrective action plan and to terminate the center's funds or take any other significant adverse action against the center based on the record submitted under 366.44 and 366.45 and may affirm or, if the Secretary finds that the decision included in a Director's initial written notice or a Director's final written decision is not supported by the evidence or is not in accordance with the law, may--

- (1) Remand the appeal for further findings; or
- (2) Reverse the decision described in the Director's initial written notice or the Director's final written decision to disapprove the center's corrective action plan and to terminate funds or take any other significant adverse action against the center.

(d) The Secretary sends copies of his or her decision to the parties by registered or certified mail, return receipt requested, or other means that provide a record of receipt by both parties.

(e) If the Secretary affirms the decision described in a Director's initial written notice or the Director's final written decision, the Director's decision takes effect on the date of the Secretary's final decision to affirm.

(Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (I))

## **Subpart F--Assurances for Centers**

### **366.50 What assurances shall a center provide and comply with?**

To be eligible for assistance under this part, an eligible agency shall provide satisfactory assurances that--

- (a) The applicant is an eligible agency;
- (b) The center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a board that is the principal governing body of the center and a majority of which must be composed of individuals with significant disabilities;
- (c) The applicant will comply with the standards in Subpart G;

(d) The applicant will establish clear priorities through--

(1) Annual and three-year program and financial planning objectives for the center, including overall goals or a mission for the center;

(2) A work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided; and

(3) A description that demonstrates how the proposed activities of the applicant are consistent with the most recent three-year State plan under section 704 of the Act;

(e) The applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act;

(f) The applicant will ensure that the majority of the staff, and individuals in decision-making positions, of the applicant are individuals with disabilities;

(g) The applicant will practice sound fiscal management, including making arrangements for an annual independent fiscal audit;

(h) The applicant will conduct an annual self-evaluation, prepare an annual performance report, and maintain records adequate to measure performance with respect to the standards in Subpart G;

(i) The annual performance report and the records of the center's performance required by paragraph (h) of this section must each contain information regarding, at a minimum--

(1) The extent to which the center is in compliance with the standards in section 725(b) of the Act and Subpart G of this part;

(Cross-reference: See 366.70(a)(2) and 366.73)

(2) The number and types of individuals with significant disabilities receiving services through the center;

(3) The types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;

(4) The sources and amounts of funding for the operation of the center;

(5) The number of individuals with significant disabilities who are employed by, and the number who are in management and decision-making positions in, the center;

(6) The number of individuals from minority populations who are employed by, and the number who are in management and decision-making positions in, the center; and

(7) A comparison, if appropriate, of the activities of the center in prior years with the activities of the center in most recent years;

(j) Individuals with significant disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact the client assistance program;

(k) Aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act, especially minority groups and urban and rural populations;

(l) Staff at centers will receive training on how to serve unserved and underserved populations, including minority groups and urban and rural populations;

(m) The center will submit to the SILC a copy of its approved grant application and the annual performance report required under paragraph (h) of this section;

(n) The center will prepare and submit to the DSU, if the center received a grant from the Director, or to the Secretary, if the center received a grant from the Secretary, within 90 days of the end of each fiscal year, the annual performance report that is required to be prepared pursuant to paragraph (h) of this section and that contains the information described in paragraph (l) of this section; and

(o) An IL plan as described in section 704(e) of the Act will be developed for each individual who will receive services under this part unless the individual signs a waiver stating that an IL plan is unnecessary.

(Authority: 29 U.S.C. 796f-4)

## **Subpart G--Standards and Indicators**

### **366.60 What are the project evaluation standards?**

To be eligible to receive funds under this part, an applicant must agree to comply with the following evaluation standards:

(a) Evaluation standard 1--Philosophy. The center shall promote and practice the IL philosophy of--

(1) Consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

(2) Self-help and self-advocacy;

(3) Development of peer relationships and peer role models;

(4) Equal access of individuals with significant disabilities to all of the center's services, programs, activities, resources, and facilities, whether publicly or privately funded, without regard to the type of significant disability of the individual; and

(5) Promoting equal access of individuals with significant disabilities to all services, programs, activities, resources, and facilities in society, whether public or private, and regardless of funding source, on the same basis that access is provided to other individuals with disabilities and to individuals without disabilities.

(b) Evaluation standard 2--Provision of services.

(1) The center shall provide IL services to individuals with a range of significant disabilities.

(2) The center shall provide IL services on a cross-disability basis (i.e., for individuals with all different types of significant disabilities, including individuals with significant disabilities who are members of populations that are unserved or underserved by programs under Title VII of this Act).

(3) The center shall determine eligibility for IL services. The center may not base eligibility on the presence of any one specific significant disability.

(c) Evaluation standard 3--Independent living goals. The center shall facilitate the development and achievement of IL goals selected by individuals with significant disabilities who seek assistance in the development and achievement of IL goals from the center.

(d) Evaluation standard 4--Community options. The center shall conduct activities to increase the availability and improve the quality of community options for IL to facilitate the development and achievement of IL goals by individuals with significant disabilities.

(e) Evaluation standard 5--Independent living core services. The center shall provide IL core services and, as appropriate, a combination of any other IL services specified in section 7(30)(B) of the Act.

(f) Evaluation standard 6--Activities to increase community capacity. The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities.

(g) Evaluation standard 7--Resource development activities. The center shall conduct resource development activities to obtain funding from sources other than Chapter 1 of Title VII of the Act.

(Authority: 29 U.S.C. 796f-4)

366.61 What are the compliance indicators?

(a) The compliance indicators establish the activities that a center shall carry out to demonstrate minimum compliance with the evaluation standards in 366.60.

(b) If a center fails to satisfy any one of the indicators, the center is out of compliance with the evaluation standards.

(Authority: 20 U.S.C. 796d-1(b))

366.62 What are the requirements for continuation funding?

(a) To be eligible to receive a continuation award for the third or any subsequent year of a grant, a center shall--

(1) Have complied fully during the previous project year with all of the terms and conditions of its grant;

(2) Provide adequate evidence in its most recent annual performance report that the center is in minimum compliance with the evaluation standards in 366.60 (Cross-reference: See 366.50(h) and (I) and 34 CFR 75.118(a)); and

(3) Meet the requirements in this Part 366.

(b) If a recipient receives funding for more than one center, each individual center that receives a continuation award shall meet the requirements of paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 1820-0606.)

(Authority: 29 U.S.C. 711(c), 796d-1(b), 796e, and 796f-4)

366.63 What evidence must a center present to demonstrate that it is in minimum compliance with the evaluation standards?

(a) Compliance indicator 1--Philosophy.

(1) Consumer control.

(I) The center shall provide evidence in its most recent annual performance report that--

(A) Individuals with significant disabilities constitute more than 50 percent of the center's governing board; and

(B) Individuals with disabilities constitute more than 50 percent of the center's--

(1) Employees in decisionmaking positions; and

(2) Employees in staff positions.

(ii) A center may exclude personal assistants, readers, drivers, and interpreters employed by the center from the requirement in paragraph (a)(1)(B) of this section.

(iii) The determination that over 50 percent of a center's employees in decisionmaking and staff positions are individuals with disabilities must be based on the total number of hours (excluding any overtime) for which employees are actually paid during the last six-month period covered by the center's most recent annual performance report. However, a center must include in this determination its employees who are on unpaid family or maternity leave during this six-month period.

(2) Self-help and self-advocacy. The center shall provide evidence in its most recent annual performance report that it promotes self-help and self-advocacy among individuals with significant disabilities (e.g., by conducting activities to train individuals with significant disabilities in self-advocacy).

(3) Development of peer relationships and peer role models. The center shall provide evidence in its most recent annual performance report that it promotes the development of peer relationships and peer role models among individuals with significant disabilities (e.g., by using individuals with significant disabilities who have achieved IL goals [whether the goals were achieved independently or through assistance and services provided by a center] as instructors [volunteer or paid] in its training programs or as peer counselors).

(4) Equal access. The center shall provide evidence in its most recent annual performance report that it--

(i) Ensures equal access of individuals with significant disabilities, including communication and physical access, to the center's services, programs, activities, resources, and facilities, whether publicly or privately funded. Equal access, for purposes of this paragraph, means that the same access is provided to any individual with a significant disability regardless of the individual's type of significant disability.

(ii) Advocates for and conducts activities that promote the equal access to all services, programs, activities, resources, and facilities in society, whether public or private, and regardless of funding source, for individuals with significant disabilities. Equal access, for purposes of this paragraph, means that the same access provided to individuals without disabilities is provided in the center's service area to individuals with significant disabilities.

(5) Alternative formats. To ensure that a center complies with 366.63(a)(4) and for effective communication, a center shall make available in alternative formats, as appropriate, all of its written policies and materials and IL services.

(b) Compliance indicator 2--Provision of services on a cross-disability basis. The center shall provide evidence in its most recent annual performance report that it--

(1) Provides IL services to eligible individuals or groups of individuals without restrictions based on the particular type or types of significant disability of an individual or group of individuals, unless the restricted IL service (other than the IL core services) is unique to the significant disability of the individuals to be served;

(2) Provides IL services to individuals with a diversity of significant disabilities and individuals who are members of populations that are unserved or underserved by programs under Title VII of the Act; and

(3) Provides IL core services to individuals with significant disabilities in a manner that is neither targeted nor limited to a particular type of significant disability.

(c) Compliance indicator 3--Independent living goals.

(1) The center shall provide evidence in its most recent annual performance report that it--

(i) Maintains a consumer service record that meets the requirements of 34 CFR 364.53 for each consumer;

(ii) Facilitates the development and achievement of IL goals selected by individuals with significant disabilities who request assistance from the center;

(iii) Provides opportunities for consumers to express satisfaction with the center's services and policies in facilitating their achievement of IL goals and provides any results to its governing board and the appropriate SILC; and

(iv) Notifies all consumers of their right to develop or waive the development of an IL plan (ILP).

(2) The center shall provide evidence in its most recent annual performance report that the center maintains records on--

(i) The IL goals that consumers receiving services at the center believe they have achieved;

(ii) The number of ILPs developed by consumers receiving services at the center; and

(iii) The number of waivers signed by consumers receiving services at the center stating that an ILP is unnecessary.

(d) Compliance indicator 4--Community options and community capacity. The center shall provide evidence in its most recent annual performance report that, during the project year covered by the center's most recent annual performance report, the center promoted the increased availability and improved quality of community-based programs that serve individuals with significant disabilities and promoted the removal of any existing architectural, attitudinal, communication, environmental, or other type of barrier that prevents the full integration of these individuals into society. This evidence must demonstrate that the center performed at least one activity in each of the following categories:

(1) Community advocacy.

(2) Technical assistance to the community on making services, programs, activities, resources, and facilities in society accessible to individuals with significant disabilities.

(3) Public information and education.

(4) Aggressive outreach to members of populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act in the center's service area.

(5) Collaboration with service providers, other agencies, and organizations that could assist in improving the options available for individuals with significant disabilities to avail themselves of the services, programs, activities, resources, and facilities in the center's service area.

(e) Compliance indicator 5--IL core services and other IL services. The center shall provide evidence in its most recent annual performance report that it provides--

(1) Information and referral services to all individuals who request this type of assistance or services from the center in formats accessible to the individual requesting these services; and

(2) As appropriate in response to requests from individuals with significant disabilities who are eligible for IL services from the center, the following services:

- (i) IL skills training.
- (ii) Peer counseling (including cross-disability peer counseling).
- (iii) Individual and systems advocacy.
- (iv) A combination, as appropriate, of any two or more of the IL services defined in section 7(30)(B) of the Act.

(f) Compliance indicator 6--Resource development activities. The center shall provide evidence in its most recent annual performance report that it has conducted resource development activities within the period covered by the performance report to obtain funding from sources other than Chapter 1 of Title VII of the Act.

(Approved by the Office of Management and Budget under control number 1820-0606.)

(Authority: 29 U.S.C. 711(c), 796d-1(b), and 796f-4)

## SECTION E: APPLICATION INSTRUCTIONS AND FORMS FOR FEDERAL ASSISTANCE

U.S. Department of Education  
Office of Special Education and Rehabilitative Services

### REHABILITATION SERVICES ADMINISTRATION INSTRUCTIONS FOR APPLICATION FOR FEDERAL ASSISTANCE (Nonconstruction Program)

The enclosed forms shall be used by all applicants for Federal Assistance under all Rehabilitation Services Administration programs. **If an applicant is applying to provide services in more than one State, a separate application must be submitted for each State in which a grant is sought.** No grant may be awarded unless the completed application forms have been received. If an item does not appear to be relevant to the assistance requested, write "NA" for not applicable.

This application consists of four parts. **It is critical to organize your application in the same exact order.** These parts are as follows:

Part I : Federal Assistance Face Sheet (SF 424)

Table of Contents - Abstract

Part II - Program Narrative

Part III - Budget Information

Part IV - Assurances, Certifications, and Disclosures

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is 1820-0018. The time required to complete this information collection is estimated to average 40 hours (or minutes) per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

**If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Information Management Team, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4651. (Information collection approved under OMB control number 1820-0018. Expiration date: August 3, 2001.)

# Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format



U.S. Department of Education

Form Approved  
OMB No. 1875-0106  
Exp. 06/30/2001

## Applicant Information

### 1. Name and Address

Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

Organizational Unit

City State County ZIP Code + 4

2. Applicant's D-U-N-S Number: \_\_\_\_\_ 6. Is the applicant delinquent on any Federal debt? \_\_\_\_ Yes  
\_\_\_\_ No

(If "Yes," attach an explanation.)

3. Applicants's T-I-N: \_\_\_\_\_  
Title: \_\_\_\_\_

4. Catalog of Federal Domestic Assistance #: **84.** \_\_\_\_\_ ==>

5. Project Director: \_\_\_\_\_  
/ \_\_\_\_\_

7. Type of Applicant (Enter appropriate letter in the box.)

Address: \_\_\_\_\_

City State Zip code + 4  
Tel. #: ( ) - Fax #: ( ) -

E-Mail Address: \_\_\_\_\_

A - State H - Independent School District  
B - County I - Public College or University  
C - Municipal J - Private, Non-Profit College or University  
D - Township K - Indian Tribe  
E - Interstate L - Individual  
F - Intermunicipal M - Private, Profit-Making Organization  
G - Special District N - Other (Specify): \_\_\_\_\_

8. Novice Applicant \_\_\_\_ Yes \_\_\_\_ No

## Application Information

### 9. Type of Submission:

planned at

-PreApplication

-Application

\_\_\_\_ No

\_\_\_\_ Construction

\_\_\_\_ Construction

#:

\_\_\_\_ Non-Construction

\_\_\_\_ Non-Construction

### 10. Is application subject to review by Executive Order 12372 process?

\_\_\_\_ Yes (Date made available to the Executive Order 12372  
process for review): \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_ No (If "No," check appropriate box below.)

\_\_\_\_ Program is not covered by E.O. 12372.

\_\_\_\_ Program has not been selected by State for review.

11. Proposed Project Dates: \_\_\_\_/\_\_\_\_/\_\_\_\_

Start Date:

End Date:

### 12. Are any research activities involving human subjects

any time during the proposed project period? \_\_\_\_ Yes

a. If "Yes," Exemption(s) #: b. Assurance of Compliance

OR

c. IRB approval date: \_\_\_\_ Full IRB or  
\_\_\_\_ Expedited Review

### 13. Descriptive Title of Applicant's Project:

**Estimated Funding****Authorized Representative Information**

15. To the best of my knowledge and belief, all data in this preapplication/application are

true

**14a.** Federal \$ \_\_\_\_\_. **00** and correct. The document has been duly authorized by the governing body of the applicant

**b.** Applicant \$ \_\_\_\_\_. **00** and the applicant will comply with the attached assurances if the assistance is awarded.

**c.** State \$ \_\_\_\_\_. **00** **a.** Typed Name of Authorized Representative

**d.** Local \$ \_\_\_\_\_. **00**

\_\_\_\_\_  
**e.** Other \$ \_\_\_\_\_. **00** **b.** Title:

\_\_\_\_\_  
**f.** Program Income \$ \_\_\_\_\_. **00** **c.** Tel. #: ( ) - Fax #: ( ) -

**d.** E-Mail Address:

\_\_\_\_\_  
**g. TOTAL** \$ \_\_\_\_\_. **00** **e. Signature of Authorized Representative**

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

ED 424 (rev 11/12/99)

**Instructions for ED 424**

- 1. Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.
- 2. D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: <http://www.dnb.com/dbis/aboutdb/intfduns.htm>.
- 3. Tax Identification Number.** Enter the tax identification number assigned by the Internal Revenue Service.
- 4. Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.
- 5. Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.
- 6. Federal Debt Delinquency.** Check **Yes** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **No**.
- 7. Type of Applicant.** Enter the appropriate letter in the box provided.
- 8. Novice Applicant.** Check **Yes** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking **Yes** the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **No**.
- 9. Type of Submission.** Self-explanatory.
- 10. Executive Order 12372.** Check **Yes** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **No**.
- 11. Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

**12. Human Subjects.** Check Yes or No. If research activities involving human subjects are not planned at any time during the proposed project period, check No. **The remaining parts of item 11 are then not applicable.**

If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **Yes**. If all the research activities are designated to be exempt under the regulations, enter, in item 11a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **Protection of Human Subjects in Research** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 11a, are appropriate. **Provide this narrative information in an Item 11/Protection of Human Subjects Attachment and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 11.**

If some or all of the planned research activities involving human subjects are covered (nonexempt), skip item 11a and continue with the remaining parts of item 11, as noted below. In addition, follow the instructions in **Protection of Human Subjects in Research** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an Item 11/Protection of Human Subjects Attachment and insert this attachment immediately following the ED 424 face page.**

**If the applicant organization has an approved Multiple Project Assurance of Compliance** on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 11b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 11c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **Pending** in item 11c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **None** in item 11b and skip 11c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

**13. Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

**14. Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 13.

**15. Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 14e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

### **Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725

## Protection of Human Subjects in Research (Attachment to ED 424)

### I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned.

If you marked item 11 on the application Yes and designated exemptions in 11a, **(all research activities are exempt)**, provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. Exemptions**, below. The Narrative must be succinct. **Provide this information in an Item 11/Protection of Human Subjects Attachment and insert this attachment immediately following the ED 424 face page.**

If you marked Yes to item 11 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt)**, address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **Item 11/Protection of Human Subjects Attachment and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where

appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

### II. Information on Research Activities Involving Human Subjects

#### A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

#### --Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

#### --Is it a human subject?

The regulations define human subject as a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information. *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity*

*involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.*

[Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

## **B. Exemptions.**

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of **exemptions** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

***Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at <http://ocfo.ed.gov/humansub.htm>.***

## TABLE OF CONTENTS - PROJECT ABSTRACT

Include following Form 424, a table of contents with page numbers for each section of the application, including appendices. To assist the peer reviewers, number the entire application consecutively, i.e., do not restart numbering with each section.

The project abstract should be an overview statement (not more than a one page abstract) that summarizes the mission, goals and objectives, the target population and service area, the impact, and the expected outcomes or benefits of the project. Please make this a separate page so it may be pulled from the application to include with funding recommendation documents.

## PART II - PROGRAM NARRATIVE

Prepare the Program Narrative in accordance with the following instructions. Before preparing the Program Narrative, applicants should carefully review the program regulations contained in this application package in section D, paying special attention to the selection criteria.

The Program Narrative must respond to the emphasis in the selection criteria identified in the program regulations; however Applicants should address the criteria in the same order as they appear in this section.

In addition, applicants should read the applicable parts of the Education Department General Administrative Regulations (EDGAR), 34 CFR. These regulations set forth all general rules affecting application submittal, review, grant award, and post-award administration for Department of Education grant programs.

**NOTE:** Applicants should refer back to the "Dear Applicant" letter. It cites the appropriate sections of the program regulations and the applicable parts of EDGAR.

Since applications may need to be duplicated for distribution to reviewers, printed material should be legible, appear only on one side of each page, and be single spaced (double space program narrative). To ensure that printed material is legible, the use of a high quality printer, with a 10 pitch or larger typeface, in the preparation of your application is strongly urged. Use standard 8 1/2 x 11 inch paper, white in color, and free from tabs. Also, use spring clips or rubber bands to hold the application together. Do not use binders, folders, and staples as they must be removed before duplicating applications.

Please limit the Program Narrative to 35 pages, double spaced, and number pages consecutively. The narrative should be written concisely. Only the required information should be submitted. If appendices or other supplemental materials are included, they must be kept to a minimum and must substantiate what is proposed in the narrative, e.g., the results of a needs survey or letters of commitment from organizations that will have significant involvement with the project. All vitae should be limited to one page in length showing the source and date of earned degrees,

experience relevant to working with individuals who are disabled and the person's direct relationship to the project, e.g., how the person will function in the project.

To facilitate application review, **it may be helpful to the success of your application if the Program Narrative responds to the selection criteria in the following order<sup>1</sup>:**

(a) Extent of the need for the project (20 points).

(1) The Secretary reviews each application for persuasive evidence that shows the extent to which the project meets the specific needs for the program, including considerations of--

- (i) The needs addressed by the project;
- (ii) How the applicant identified those needs (e.g., whether from the 1990 census data or other current sources);
- (iii) How those needs will be met by the project; and
- (iv) The benefits to be gained by meeting those needs.

(2) The Secretary looks for information that shows that the need for the center has been established based on an assessment of the ability of existing programs and facilities to meet the need for IL services of individuals with significant disabilities in the geographic area to be served.

(3) The Secretary looks for information that shows--

- (i) That the applicant proposes to establish a new center to serve a priority service area that is identified in the current State plan; and
- (ii) The priority that the State has placed on establishing a new center in this proposed service area.

*It is important for the applicant to note that this criterion is in two parts: (1) the needs addressed by the project, how the applicant identified the needs, how the needs will be met by the center, and the benefits to be gained; and (2) if the applicant is planning to serve an area identified in the State IL plan as a priority area, the applicant should provide information showing that the service area comes within a SPIL priority and what priority the State has placed on the particular area to be served. If a letter from the State is included in Section H of this application package, the applicant may wish to note that fact in the application.*

(b) Involvement of individuals with significant disabilities  
(5 points).

---

<sup>1</sup> **NOTE THAT THE ORDER IN WHICH CRITERIA SHOULD BE ADDRESSED IN THE PROGRAM NARRATIVE IS NOT THE SAME ORDER THAT THEY APPEAR IN THE REGULATIONS.**

(1) The Secretary reviews each application for information that shows that individuals with significant disabilities are appropriately involved in the development of the application.

(2) The Secretary looks for information that shows that individuals with significant disabilities or their parents, guardians, or other legally authorized advocates or representatives, as appropriate, will be substantially involved in planning, policy direction, and management of the center, and, to the greatest extent possible, that individuals with significant disabilities will be employed by the center.

*This criterion should address how individuals with disabilities were involved in the development of the concept of a center in the area to be served; how their input was obtained and considered in identifying the unmet needs and the scope of services necessary to meet the needs, development of the plan of operation, identification and selection of key personnel or the plan to obtain personnel to govern and operate the center; how potential consumers of services from the proposed center will be involved in development of management policies, the scope and provision of services; and how such individuals were involved in the development of the grant application.*

(c) Plan of operation (20 points). The Secretary reviews each application for information that shows the quality of the plan of operation for the project, including--

(1) The quality of the design of the project;

(2) The extent to which the plan of management ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality and adequacy of the applicant's plan to use its resources (including funding, facilities, equipment, and supplies) and personnel to achieve each objective;

(5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability; and

(6) A clear description of how the applicant will provide equal access to services for eligible project participants who are members of groups that have been traditionally under-represented, including--

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Elderly individuals; and

(iv) Children and youth.

When addressing this criterion, please consider the note following paragraph (d) of this section.

(d) Meeting the standards and the assurances (25 points). The Secretary reviews each application for information that shows--

(1) Evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the standards in section 725(b) of the Act and the indicators in 34 CFR Part 366, Subpart G (366.60 - 366.63).

(2) Convincing evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the assurances in section 725(c) of the Act and 34 CFR Part 366.50.

*In addressing the plan of operation and meeting the standards and assurances criteria, the applicant should develop a three-year workplan meeting the requirements of section 725(c)(4) of the Act. **Only the first year of the plan needs to be submitted with this application.** In developing the workplan, it may be helpful for the applicant to review the standards and assurances on pages E - 17 et seq. The workplan should be specific and measurable so that, at the end of each project year, the center can compare its achievements against its projected goals. For example:*

- (1) Goals and activities. *Include long term goals and specific activities planned to meet the requirements of each of the standards in section 725 of the Act, and the indicators in 34 CFR Part 366, Subpart G.*
- (2) Advocacy. *Include details of how the center plans to achieve its social change goals, including, but not limited to:*
  - (I) *A community advocacy plan and related activities;*
  - (ii) *A technical assistance plan and related activities;*
  - (iii) *A plan for collaboration with other agencies and groups to further communication, coordination, and cooperation along with related activities; and*
  - (iv) *Affirmative action plans.*
- (3) Resource development. *Include the center's goals and activities for obtaining and increasing funding (including in-kind) from sources other than Title VII of the Act.*
- (4) Outreach. *Describe the center's plans for outreach to consumers who are members of populations of individuals with significant disabilities, including minorities, who are unserved or underserved.*
- (5) Community and individual IL service needs. *Identify the community and individual IL services the center anticipates providing, and how services will be coordinated with other service providers to avoid duplication. Ensure that the intended services are consistent with the approved State plan in the State in which the center plans to provide services.*
- (6) Response to needs. *Include in the work plan, if appropriate, how the center plans to respond to particular needs identified from needs assessments or surveys of potential consumers in the intended service area.*
- (7) Training. *Include plans for training governing board, employees, volunteers, and consumers, e.g., staff development, IL philosophy, ADA, self-advocacy and personal power.*

(f) Budget and cost effectiveness (10 points). The Secretary reviews each application for information that shows the extent to which--

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project. *In addressing this criterion and in developing the budget for the center, consideration should be given to the relationship between the budget and the plan of operation, e.g., is the budget adequate or inadequate in view of what the applicant proposes to do. The budget submittal covers the full five years of the project. See Part III - Budget Information.*

(e) Quality of key personnel (10 points).

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project, including--

- (i) The qualifications of the project director, if one is to be used;
- (ii) The qualifications of each of the other management and decision-making personnel to be used in the project;
- (iii) The time that each person referred to in paragraphs (d)(1)(I) and (ii) of this section will commit to the project;
- (iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability; and
- (v) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, including--
  - (A) Members of racial or ethnic minority groups;
  - (B) Women;
  - (C) Persons with disabilities; and
  - (D) Elderly individuals.

(2) To determine personnel qualifications under paragraphs (d)(1)(I) and (ii) of this section, the Secretary considers--

- (i) Experience and training in fields related to the objectives of the project; and
- (ii) Any other qualifications that pertain to the objectives of the project.

*This section should identify the person (or a recruitment plan for the person if individuals are not named) being proposed for each position presented in the management plan and the time commitment allocated to the position. Each person's qualifications should be presented in a manner that shows a clear relationship to the selection criteria for that designated position. This section*

*should also describe procedures for encouraging applications for employment from persons who are members of groups that have been traditionally underrepresented such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly. Finally, a full disclosure of all time commitments should be included for each person listed in the application. **The application should include information to show how the center will meet the requirements that over 50% of the decisionmakers and over 50% of the staff of the center must be individuals with disabilities; and over 50% of the governing board must be individuals with significant disabilities.***

(g) Evaluation plan (5 points). The Secretary reviews each application for information that shows the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation--

- (1) Are appropriate for the project;
- (2) Will determine how successful the project is in meeting its goals and objectives; and
- (3) Are objective and produce data that are quantifiable.  
(Cross-reference: See 34 CFR 75.590.)

*This section of the application should describe procedures to assure that the project's activities are being implemented appropriately and that project objectives are being met. The evaluation plan should include the self-evaluation required by section 725(c)(8) of the Act and 34 CFR Part 366, Subpart G (See footnote 3).*

(h) Past performance (5 points). The Secretary reviews each application for information that shows the past performance of the applicant in successfully providing services comparable to the IL core services and other IL services listed in section 7(29) and (30) of the Act and 34 CFR 364.4(b) and other services that empower individuals with significant disabilities.

*The IL core services are information and referral, IL skills training, peer counseling, including cross-disability peer counseling, and individual and systems advocacy. For a list of IL services, see pages E - 18 and 19.*



U.S. DEPARTMENT OF EDUCATION  
BUDGET INFORMATION  
NON-CONSTRUCTION PROGRAMS

OMB Control No. (Draft Form)

Expiration Date: TBA

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY  
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.
----------------------------------	---

SECTION B - BUDGET SUMMARY						
NON-FEDERAL FUNDS						
Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						
SECTION C - OTHER BUDGET INFORMATION (see instructions)						



Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington, D.C. 20503.

## INSTRUCTIONS FOR ED FORM NO. 524

### General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

### Section A - Budget Summary U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

**Lines 1-11, columns (a)-(e):** For each project year for which funding is requested, show the total amount requested for each applicable budget category.

**Lines 1-11, column (f):** Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

**Line 12, columns (a)-(e):** Show the total budget request for each project year for which funding is requested.

**Line 12, column (f):** Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

### Section B - Budget Summary Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

**Lines 1-11, columns (a)-(e):** For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

**Lines 1-11, column (f):** Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

**Line 12, columns (a)-(e):** Show the total matching or other contribution for each project year.

**Line 12, column (f):** Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

### Section C - Other Budget Information Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Section A and B.
2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.
3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. Provide other explanations or comments you deem necessary.

---

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

---

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

---

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333),

regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

---

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER  
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, New Restrictions on Lobbying, and 34 CFR Part 85, Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants). The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

---

**1. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, Disclosure Form to Report Lobbying, in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

---

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

---

**3. DRUG-FREE WORKPLACE  
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APP LICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610.

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

SIGNATURE	DATE

ED 80-0013

---

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions**

---

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

**Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

### Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

<b>1. Type of Federal Action:</b> a. contract _____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	<b>2. Status of Federal Action:</b> a. bid/offer/application _____ b. initial award c. post-award	<b>3. Report Type:</b> a. initial filing _____ b. material change  <b>For material change only:</b> Year _____ quarter _____ Date of last report _____
<b>4. Name and Address of Reporting Entity:</b> _____ Prime      _____ Subawardee Tier _____, if Known:   <b>Congressional District, if known:</b>	<b>5. If Reporting Entity in No. 4 is Subawardee,</b> Enter Name and Address of Prime:    <b>Congressional District, if known:</b>	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>   CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b>  \$	
<b>10. a. Name and Address of Lobbying Registrant</b> <i>(if individual, last name, first name, MI):</i>	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
<b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	<b>Signature:</b> _____  <b>Print Name:</b> _____  <b>Title:</b> _____  <b>Telephone No.:</b> _____ <b>Date:</b> _____	

**Federal Use Only**

**Authorized for Local Reproduction**  
**Standard Form - LLL (Rev. 7-97)**

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a).

Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

---

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

## **Appendix**

### Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# [commenter must insert number--including suffix

letter, if any], U.S. Department of Education, room \_\_\_\_\_, 400 Maryland Avenue, SW., Washington, DC 20202.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in the actual application notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

## STATE SINGLE POINTS OF CONTACT

(As of October 1, 1999)

**Note:** In accordance with Executive Order #12372, Intergovernmental Review of Federal Programs, this listing represents the designated State Single Points of Contact (SSPOCs). Because participation is voluntary, some States and Territories no longer participate in the process. These include: Alabama, Alaska, American Samoa, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington.

The jurisdictions not listed no longer participate in the process. However, an applicant is still eligible to apply for a grant or grants even if its respective State, Territory, Commonwealth, etc. does not have a (SSPOC).

<b>ARIZONA</b>  Ms. Joni Saad State of Arizona Arizona Department of Commerce Office of Economic Planning and Development Arizona State Clearinghouse 3800 North Central Avenue, Fourteenth Floor Phoenix, Arizona 85012 Telephone: (602) 280-1315 FAX: (602) 280-8144 <a href="mailto:Jonis@ep.state.az.us">Jonis@ep.state.az.us</a>	<b>ARKANSAS</b>  Mr. Tracy L. Copeland Manager, State Clearinghouse State of Arkansas Office of Intergovernmental Services Department of Finance and Administration 1515 7 <sup>th</sup> Street, Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 FAX: (501) 682-5206 <a href="mailto:TlCopeland@dfa.state.ar.us">TlCopeland@dfa.state.ar.us</a>
<b>CALIFORNIA</b>  State of California Governor's Office of Planning and Research State Clearinghouse Attn: Sheila Brown Street Address: 1400 Tenth Street, Room 121 Sacramento, CA 95814 Mailing Address: P.O. Box 3044 Sacramento, CA 95812-3044 Telephone: (916) 445-0613 FAX: (916) 323-3018 <a href="http://www.opr.ca.gov/clearinghouse.html">www.opr.ca.gov/clearinghouse.html</a>	<b>DELAWARE</b>  State of Delaware Executive Department Office of the Budget Charles H. Hopkins Deputy Director 540 S. Dupont Highway 3 <sup>rd</sup> Floor Dover, DE 19901 Telephone: (302) 739-3323 FAX: (302) 739-5661 <a href="mailto:Chopkins@state.de.us">Chopkins@state.de.us</a> <a href="http://www.state.de.us/budget/budget.htm">http://www.state.de.us/budget/budget.htm</a>

<p><b>DISTRICT OF COLUMBIA</b></p> <p>Mr. Charles Nichols  State Single Point of Contact  Government of the District of Columbia  Office of the Chief Financial Officer  Office of Grants Management and Development  717 14<sup>th</sup> Street, NW, Suite 1200  Washington, DC 20005  Telephone: (202) 727-1700 (Direct)  Telephone: (202) 727-6537 (Secretary)  FAX: (202) 727-1617  E-mail: <a href="mailto:OGMD-OGMD@dcdgov.org">OGMD-OGMD@dcdgov.org</a></p>	<p><b>FLORIDA</b></p> <p>State of Florida  Florida State Clearinghouse  Department of Community Affairs  2555 Shumard Oak Blvd.  Tallahassee, Florida 32399-2100  Telephone: (850) 922-5438  FAX: (850) 414-0479  Contact: Ms. Cherie Trainor  Telephone: (850) 414-5495  <a href="mailto:Cherie.trainor@dca.state.fl.us">Cherie.trainor@dca.state.fl.us</a></p>
<p><b>GEORGIA</b></p> <p>Ms. Debra Stephens, Coordinator  State of Georgia  Office of Planning and Budget  Georgia State Clearinghouse  270 Washington Street, S.W.  8<sup>th</sup> Floor  Atlanta, GA 30334  Telephone: (404) 656-3855  FAX: (404) 656-7901  <a href="mailto:ssda@mail.opb.state.ga.us">ssda@mail.opb.state.ga.us</a></p>	<p><b>ILLINOIS</b></p> <p>Ms. Virginia Bova, State Single Point of Contact  State of Illinois  Department of Commerce and Community Affairs  Policy Development/Planning &amp; Research  James R. Thompson Center  100 West Randolph, Suite 3-400  Chicago, IL 60601  Telephone: (312) 814-6028  FAX: (312) 814-1800  <a href="mailto:vbova@commerce.state.il.us">vbova@commerce.state.il.us</a>  <a href="http://www.state.il.us/fedclear/">http://www.state.il.us/fedclear/</a></p>
<p><b>INDIANA</b></p> <p>Ms. Allison Becker, Budget Analyst  State of Indiana  Indiana State Budget Agency  Office of the Director  212 State House, Room 121  Indianapolis, IA 46204-2796  Telephone: (317) 232-5610  Telephone: (317) 232-7221 (Direct Line)  FAX: (317) 233-3323  <a href="http://www.state.in.us/sba/index.html">http://www.state.in.us/sba/index.html</a></p>	<p><b>IOWA</b></p> <p>Mr. Steven R. McCann  State of Iowa  Department of Economic Development  Community and Rural Development Division  City Development Board  200 East Grand Avenue  Des Moines, IA 50309  Telephone: (515) 242-4719  FAX: (515) 242-4809  <a href="mailto:Steve.mccann@ided.state.ia.us">Steve.mccann@ided.state.ia.us</a></p>

<p><b>KENTUCKY</b></p> <p>Mr. Kevin J. Goldsmith, Director  Ms. Sandra Brewer, Executive Secretary  State of Kentucky  Intergovernmental Affairs  Office of the Governor  700 Capitol Avenue  Frankfort, KY 40601  Telephone: (502) 564-2611  FAX: (502) 564-0437  <a href="mailto:Kgoldmkgosmith@mail.state.ky.us">Kgoldmkgosmith@mail.state.ky.us</a>  <a href="mailto:Sbrewer@mail.state.ky.us">Sbrewer@mail.state.ky.us</a></p>	<p><b>MAINE</b></p> <p>Ms.. Joyce Benson  State of Maine  Office of the Governor  Executive  Maine State Planning Office  184 State Street  Station #38  Augusta, ME 04333-0038  Telephone: (207) 287-3261  FAX: (207) 287-6489  <a href="mailto:Joyce.benson@state.me.us">Joyce.benson@state.me.us</a></p>
<p><b>MARYLAND</b></p> <p>Ms. Linda Janey  Manager, Planning and Project Review  State of Maryland  Maryland Office of Planning  301 W. Preston Street – Room 1104  Baltimore, MD 21201-2365  Telephone: (410) 767-4490  Telephone: (410) 767-4395  FAX: (410) 767-4480  <a href="mailto:linda@mail.op.state.md.us">linda@mail.op.state.md.us</a></p>	<p><b>MICHIGAN</b></p> <p>State of Michigan  Mr. Richard Pfaff, Regional Review  Coordinator  Southeast Michigan Council of  Governments  Federal Project Regional Review  660 Plaza Drive – Suite 1900  Detroit, MI 48226  Telephone: (313) 961-4266  FAX: (313) 961-4869  <a href="mailto:pfaff@semcog.org">pfaff@semcog.org</a></p>
<p><b>NEW MEXICO</b></p> <p>Mr. Nick Mandell, Website Manager  State Single Point of Contact  State of New Mexico  Department of Finance and Administration  Local Government Division  New Mexico Federal Clearinghouse  Bataan Memorial Building – Room 201  Santa Fe, NM 87503  Telephone: (505) 827-4991  FAX: (505) 827-4984  <a href="mailto:nmandel@dfa.state.nm.us">nmandel@dfa.state.nm.us</a></p>	<p><b>NORTH CAROLINA</b></p> <p>Ms. Jeanette Furney  Intergovernmental Review Coordinator  State of North Carolina  North Carolina Department of  Administration  State Clearinghouse  116 West Jones Street – Suite 5106  Raleigh, NC 27603-8003  Telephone: (919) 807-2425  FAX: (919) 733-9571  <a href="http://www.doa.state.nc.us/doa/clearing/welcome.htm">http://www.doa.state.nc.us/doa/clearing/welcome.htm</a>  <a href="mailto:jeanette_furney@mail.doa.state.nc.us">jeanette_furney@mail.doa.state.nc.us</a></p>

<p><b>NORTH DAKOTA</b></p> <p>Governor's Office Office of Management &amp; Budget Office of Intergovernmental Assistance Division of Community Services 600 East Boulevard Avenue Department 105 Bismark, ND 58505-0170 Telephone: (701) 328-2094 (Clerical Support) FAX: (701) 328-2308 <a href="http://www.state.nd.us/dcs">http://www.state.nd.us/dcs</a></p>	<p><b>RHODE ISLAND</b></p> <p>Mr. Kevin Nelson Review Coordinator State of Rhode Island Department of Administration Office of Library &amp; Information Services Division of Planning One Capitol Hill, 4<sup>th</sup> Floor Providence RI 02908-5870 Telephone: (401) 222-1220 (Secretary) Telephone: (401) 222-2093 (Direct) FAX: (401) 222-2083 <a href="mailto:knelson@doa.state.ri.us">knelson@doa.state.ri.us</a></p>
<p><b>SOUTH CAROLINA</b></p> <p>Ms. Omeagia Burgess Grant Coordinator State of South Carolina Office of State Budget 1122 Ladies Street – 12<sup>th</sup> Floor Columbia, SC 29201 Telephone: (803) 734-0494 FAX: (803) 734-0645 <a href="mailto:Aburgess@budget.state.sc.us">Aburgess@budget.state.sc.us</a></p>	<p><b>TEXAS</b></p> <p>Mr. Tom Adams Director, Intergovernmental Coordination State of Texas State Single Point of Contact Office of the Governor Office of Budget and Planning P.O. Box 12428 Austin, TX 78711-2428 Telephone: (512) 463-1771 FAX: (512) 936-2681 <a href="mailto:tadams@governor.state.tx.us">tadams@governor.state.tx.us</a></p>
<p><b>UTAH</b></p> <p>Ms. Carolyn B. Wright, Research Analyst State of Utah Governor's Office of Planning and Budget Resource Planning/Legal Review 116 State Capitol Salt Lake City, UT 84114 Telephone: (801) 538-1535 (Direct) FAX: (801) 538-1547 <a href="mailto:cwright@gov.state.ut.us">cwright@gov.state.ut.us</a></p>	<p><b>WEST VIRGINIA</b></p> <p>Mr. Glenn F. (Fred) Cutlip, Director State of West Virginia West Virginia Development Office Community Development Division Capitol Complex, Bldg. 6, Room 553 1900 Washington Street East Charleston, WV 25305-0311 Telephone: (304) 558-4010 x048 FAX: (304) 558-3248 <a href="mailto:fcutlip@wvdo.org">fcutlip@wvdo.org</a></p>

**WISCONSIN**

Mr. Jeffrey T. Smith, Section Chief  
State of Wisconsin  
Wisconsin Department of Administration  
101 East Wilson Street – 6<sup>th</sup> Floor  
P.O. Box 7868  
Madison, WI 53707  
Telephone: (608) 266-0267  
FAX: (608) 267-6931  
[jeffrey.smith@doa.state.wi.us](mailto:jeffrey.smith@doa.state.wi.us)

**WYOMING**

Ms. Sandy Ross, Executive Assistant  
State of Wyoming  
State Single Point of Contact  
Department of Administration and  
Information  
A&I Planning and Coordination  
Emerson Building  
2001 Capitol Avenue, Room 214  
Cheyenne, WY 82002  
Telephone: (307) 777-5492  
FAX: (307) 777-3696  
[sross1@missc.state.wy.us](mailto:sross1@missc.state.wy.us)  
<http://www-cio.state.wy.us>

<p><b>U.S. TERRITORIES</b></p> <p><b>GUAM</b></p> <p>Mr. Joseph Rivera, Acting Director Territory of Guam Office of the Governor Bureau of Budget &amp; Management Research P.O. Box 2950 HAGÅTÑA, GU 96932 Telephone: (671) 475-9411 Telephone: (671) 475-9412 Telephone: (671) 475-9429 FAX: (671) 475-2825 <a href="mailto:jer@ns.gov.gu">jer@ns.gov.gu</a> <a href="mailto:bbmr@ns.gov.gu">bbmr@ns.gov.gu</a></p>	<p><b>U.S. TERRITORIES</b></p> <p><b>PUERTO RICO</b></p> <p>Mr. José Caballero-Mercado, Chairman Commonwealth of Puerto Rico Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, PR 00940-1119 Telephone: (787) 727-4444 (PRPB) Telephone: (787) 723-6190 (FPRO) FAX: (787) 724-3270 <a href="mailto:j@jp.prstar.net">j@jp.prstar.net</a></p>
<p><b>NORTHERN MARIANA ISLANDS</b></p> <p>Mrs. Virginia Villagomez, Acting Special Assistant Government of the Commonwealth Of the Northern Mariana Islands Office of the Governor Office of Management and Budget Capitol Hill, Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2265 Telephone: (670) 664-2266 Telephone: (670) 664-2267 FAX: (670) 664-2272 <a href="mailto:omb.villagomez@saipan.com">omb.villagomez@saipan.com</a></p>	<p><b>THE UNITED STATES VIRGIN ISLANDS</b></p> <p>Mr. Ira Mills, Director Government of the Virgin Islands of the United States U.S.V.I. Office of Management &amp; Budget No. 41 Norre Gade Emancipation Garden Station, 2<sup>nd</sup> Floor Charlotte Amalie, U.S.V.I. 00802 <a href="http://www.gov.vi/omb/">http://www.gov.vi/omb/</a> <i><u>Please direct all questions and correspondence about intergovernmental review to Daisy Millin.</u></i> Telephone: (340) 774-0750 FAX: (340) 776-0069 <a href="mailto:Irmills@usvi.org">Irmills@usvi.org</a> <a href="mailto:Dmmillin@usvi.org">Dmmillin@usvi.org</a></p>

Note: This list is based on the most current information provided by the States. Information on any changes or apparent errors should be provided to Sherron Duncan at the Office of Management and Budget (OMB) (202) 395-3914 and to the State in question. Changes to the list will only be made upon formal notification by the State. The list is updated every six months and is also published biannually in the Catalog of Federal Domestic Assistance (CFDA).

**IMPORTANT NOTICE  
TO PROSPECTIVE PARTICIPANTS  
IN THE U.S. DEPARTMENT OF EDUCATION  
CONTRACT AND GRANT PROGRAMS**

**GRANTS**

Applicants for grants from the U.S. Department of Education (ED) have to compete for limited funds. Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste. For these reasons, ED must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that -

Failure to meet a deadline will mean that an application will be  
rejected without any consideration whatever.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending \$340.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9371. (Send check or money order only, on cash or stamps.)

The instructions in the federal Register must be followed exactly. Do not accept any other advice you may receive. No ED employee is authorized to extend any deadline published in the Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education  
Application Control Center  
Washington, DC 20202-4725

Competitive procurement actions undertaken by the ED are governed by the Federal Procurement Regulation and implementing ED Procurement Regulation.

Generally, prospective competitive procurement actions are synopsized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals (RFP).

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracts Specialist identified on the face page of the RFP.

Offers are judged in competition with other, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or RFP. No ED employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBS is available for \$208.00 per year via second class mailing or \$261.00 per year via first class mailing. Information included in the Federal Acquisition Regulations is contained in Title 48, Code of Federal Regulations, Chapter 1 (\$ 49.00). The foregoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, DC 20402-9371

In an effort to be certain this important information is widely disseminated, this notice is being included in all ED Mail to the public. You may, therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED Form 5548 8/92 REPLACES ED FORM 5548, 6/86 WHICH IS OBSOLETE

## **GRANT APPLICATION RECEIPT ACKNOWLEDGEMENT**

If you fail to receive the notification of application receipt within fifteen (15) days from the closing date, call:

U.S. Department of Education  
Coordination and Control Branch  
(202) 708-9493